



**Oregon Metro Coalition - FY2020 US EPA Brownfield Assessment Coalition Grant
Application
Narrative Information Sheet**

1. Applicant Identification:

Oregon Metro
600 NE Grand Avenue
Portland, Oregon 97232-2736

2. Funding Requested:

- (a) Assessment Grant Type: Coalition
- (b) Federal Funds Requested:
 - (i) Requested Amount: \$600,000
 - (ii) Site-specific Assessment Grant Waiver: *not applicable*
- (c) Contamination: \$390,000 Hazardous Substance and \$210,000 Petroleum

3. Location:

- (a) City: Priority brownfield sites identified in the grant application are in the Cities of Tigard (Washington County), Gresham (Multnomah County), and Milwaukie/Oak Grove (Clackamas County). The Coalition will select additional brownfields throughout Clackamas, Multnomah, and Washington Counties for grant assistance with brownfield revitalization.
- (b) County: Clackamas, Multnomah, and Washington Counties
- (c) State or Reservation: Oregon

4. Property Information for Site-Specific Proposals:

Not Applicable

5. Contacts:

- (a) Project Director:
Brian Harper, Metro Senior Regional Planner
(503) 797-1833
brian.harper@oregonmetro.gov
600 NE Grand Avenue, Portland, Oregon 97232-2736
- (b) Chief Executive/Highest Ranking Elected Official:
Martha Bennett, Chief Operating Officer
(503) 797-1541
martha.bennett@oregonmetro.gov
600 NE Grand Avenue, Portland, Oregon 97232-2736

6. Population of city in which each priority site is located:

Target Area	Target Area City/County	Population
Tigard Triangle	City of Tigard	51,355
	Washington County	556,210
Rockwood	City of Gresham	110,336
	Multnomah County	768,418
Milwaukie/Oak Grove	City of Milwaukie	20,627
	Clackamas County	389,438

7. Other Factors Checklist:

Other Factors	Page #
Community population is 10,000 or less.	
Applicant is, or will assist, a federally recognized Indian tribe or United States territory.	
The priority brownfield site(s) is impacted by mine-scarred land.	
The priority site(s) is adjacent to a body of water (i.e., the border of the priority site(s) is contiguous or partially contiguous to the body of water or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them).	
The priority brownfield site(s) is in a federally designated flood plain.	
The reuse of the priority site(s) will facilitate renewable energy from wind, solar, or geothermal energy; or will incorporate energy efficiency measures.	Page 3
30% or more of the overall project budget will be spent on eligible reuse planning activities for priority brownfield site(s) within the target area.	Page 8

8. Letter from the State or Tribal Environmental Authority: A letter of acknowledgement from the Oregon Department of Environmental Quality is attached.



Oregon

Kate Brown, Governor

Department of Environmental Quality

Northwest Region

700 NE Multnomah Street, Suite 600

Portland, OR 97232

(503) 229-5263

FAX (503) 229-6945

TTY 711

November 18, 2019

via electronic delivery

Terri Griffith
EPA Region 10
1200 Sixth Ave., Suite 155
ECL-133
Seattle, WA 98101

Re: DEQ Support of Metro's Coalition Application for a Community-Wide Brownfield Assessment Grant

Dear Terri:

The Oregon Department of Environmental Quality (DEQ) supports the Oregon Metro Coalition's application for a community-wide brownfield assessment grant from EPA. The Coalition includes Metro, Washington, Multnomah, and Clackamas counties, which are all located within the Portland, Oregon metropolitan area.

In 2018, Metro voters approved a \$653 million Affordable Housing Bond Measure, which provides funding for the construction of 3,900 affordable homes, and the preservation of 1,600 low-income homes. The Coalition plans to use EPA Brownfield Assessment grant funding to assess and support equitable and transit-oriented affordable housing development within the three Target Brownfield Metro areas of the Tigard Triangle (Washington County), Rockwood (Multnomah County), and Milwaukie/Oak Grove (Clackamas County).

DEQ has supported brownfield assessment and redevelopment efforts in these target areas through our participation in brownfield advisory committees for Metro and the City of Tigard (McLoughlin Corridor Focus Area and Tigard Triangle) and attendance and support of the Rockwood Rising Vision to Action Workshop (Vance Pit). If awarded the grant, the Coalition plans to conduct Phase I/II Environmental Site Assessments on underutilized properties within the target areas that will provide opportunities for community-supported redevelopment and investment.

For many years, DEQ has worked with the Coalition partners on a diverse array of brownfield projects, and appreciates their commitment to community engagement and collaboration to achieve common goals. As a result, DEQ is pleased to support this grant application. Please feel free to contact Rebecca Wells-Albers, DEQ Northwest Region Brownfield Coordinator at 503-229-5585 if you have any questions.

Sincerely,

Nina DeConcini
Administrator, DEQ Northwest Region

cc (email): Rebecca Wells-Albers, NWR/DEQ
 Paul Seidel, NWR/DEQ
 Patricia Atkins, HQ/DEQ
 Brian Harper, Metro

1. PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION 1.a. Target Area and Brownfields. 1.a.i Background and Description of Target Areas:

Metro is the regional planning agency serving the 1.5 million residents of the 463-square mile Portland Metro Area (Washington, Multnomah, and Clackamas Counties). Metro and the three counties have formed a Coalition and is seeking a \$600K U.S. Environmental Protection Agency (EPA) Brownfield Assessment Coalition Grant to address brownfields in neighborhoods where contamination and poor livability align with opportunities to address the urgent need for affordable housing and manage the region's rapid growth. Brownfields in the Metro Area are concentrated in neighborhoods that were shaped by auto-oriented development patterns that emerged in the 1950s and 1960s in neighborhoods distant from the Metro Area core. These areas are characterized by low-density, disconnected development, high vacancy, large empty parking lots, busy roads and air pollution, and poor walkability. Metro has identified at least 2,300 brownfields (6,300 acres) in the tri-county area, 75% of which are clustered in these auto-oriented neighborhoods. Metro studies also show that brownfields in the Metro Area are three times more common in places that have disproportionately large sensitive populations, a lack of essential services and living-wage jobs, and poor health outcomes.

The Coalition is focusing brownfield revitalization efforts in three **Target Areas** that exemplify this alignment of brownfields, auto-oriented pasts, and present-day livability challenges. The **Tigard Triangle** in Clackamas County (western Metro Area) is a 1-square-mile (m²) area of the City of Tigard bound by Oregon's primary Interstate Highway (I-5), and two state highways. The 2 m² **Rockwood** neighborhood in the City of Gresham (eastern Metro Area) is one of the youngest, most diverse, and most economically challenged regional neighborhoods. **Milwaukie/Oak Grove** (2 m² – southeastern Metro Area) has the newest line of the regional MAX light rail system and proximity to the Willamette River waterfront, but the area's history of auto-oriented development and industrial land use have left a legacy of brownfields that constrain revitalization plans.

Target Area brownfields including former auto service businesses, vacant lots with unknown histories, dry cleaners, aging vacant buildings, and a former landfill are exposing Target Area residents to hazardous materials and blight, and they are worsening the regional housing crisis by constraining critical redevelopment opportunities for affordable housing and equitable growth. While the Target Areas have significant brownfield challenges, they also have powerful advantages. Each area is now served by the 160-mile (and growing) MAX system and is primed for higher-density transit-oriented development (TOD). Metro and the Coalition partners are investing in solutions to the housing crisis and in TOD. For example, a \$653M Affordable Housing Bond Measure (2018) will fund construction of 3,900 new homes in neighborhoods like the Target Areas. The Target Areas are primed for renewal, and the Coalition is committed to bundling revitalization tools and incentives to maximize the benefits and outcomes of the Brownfield Grant.

1.a.ii. Description of Priority Brownfield Sites: Brownfields in the Tigard Triangle include former gas stations, auto service businesses, dry cleaners, and aging buildings with asbestos and lead paint. Most sites in the Tigard Triangle are underutilized with large parking lots due to the area's auto-oriented character. In Rockwood, the 80-acre Vance Pit brownfield dominates the neighborhood, with additional brownfields including 109 vacant lots, many vacant dilapidated buildings, and former auto service businesses. Milwaukie/Oak Grove brownfields include former gas stations, vacant buildings and lots, a wood treating facility, and a former auto repair business. Priority brownfield sites are described below.

A 0.5-acre brownfield in the Tigard Triangle adjacent to the Tigard Transit Center and along the future route of the region's next MAX line is a high redevelopment priority due to its outstanding potential for TOD and affordable housing. The underutilized site is occupied by a firearm sales/repair business that plans to relocate out of the area. Union Pacific Railroad tracks historically lined with industrial uses border the site, and pesticides including DDT have been detected in soil and groundwater at a former chemical manufacturer located just across the tracks. No environmental sampling has been completed

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at this site but based on its location on a former heavy rail line adjacent to known contaminated site, suspected contaminants include pesticides, metals, and petroleum.

The Vance Pit brownfield in the Rockwood URA is an 80-acre mine-scarred vacant former quarry in one of the region's most diverse and economically challenged areas. This blighted and dangerous site adjoins public Vance Park and is a short walk from a MAX station. Oregon Department of Environmental Quality (DEQ) records show that waste was dumped in the quarry until the 1970s. Testing has identified elevated methane and hydrogen sulfide concentrations raising concerns about explosion hazards, vapor intrusion, and groundwater contamination. Additional testing is needed to understand the extent and nature of fill materials, and plan for the site's cleanup and reuse.

In Milwaukie/Oak Grove, a brownfield blighted by a vacant former auto repair garage and an aging residence sits between a residential neighborhood and the region's newest MAX light rail/bus transit center. The surrounding area lacks affordable multi-family housing, and with this site's proximity to the MAX it is ideal for TOD. A tributary of Kellogg Creek is culverted below ground just north of this site, and it is located within a mile of both Kellogg Lake and the Willamette River. Environmental assessment has been conducted identifying petroleum and metals in soil and groundwater at this brownfield, but the potential for releases from an underground storage tank still on the site have not been assessed.

1.b. Revitalization of the Target Areas. 1.b.i. Reuse Strategy and Alignment with Revitalization Plans:

The Coalition will use the grant to address environmental constraints and leverage affordable housing and TOD programs to complete redevelopment plans. The strategy starts with establishing a diverse Brownfield Advisory Group (BAG) including a member of the Affordable Housing Bond Community Oversight Committee which helps steer bond funds to affordable housing projects as well as local stakeholders, decision-makers, and developers (see Section 2b for details on the BAG). The BAG will advocate for brownfields when sites are being considered for affordable housing development, using grant-funded assessment and planning as an incentive.

The Metro Affordable Housing Bond Measure sets a goal of creating 3,900 affordable homes with 1,600 for people with very low incomes. Brownfield reuse in established areas will be a key factor in sustainably achieving this goal as well as local TOD, equity, and livability goals established in the plans described below.

Tigard is promoting revitalization with code revisions and developer incentives in the Tigard Triangle Urban Renewal Area, Vertical Housing Development Zone, and Enterprise Zone. The Tigard Triangle Strategic Plan and Urban Renewal Plan identify goals around new affordable housing, addressing vacancy, attracting neighborhood uses/services, and improving walkability. The Plan calls out brownfields as opportunities for dense, in-fill TOD to support these goals. The plans incorporate goals from additional Tigard Triangle studies and plans including: 1) Affordable Housing Plan; 2) "Your Community, Your Voice" outreach program; 3) Equitable Development Strategy.

Rockwood community groups, the City of Gresham, and Multnomah County are working on a Vance Pit Master Plan for completing environmental assessments, cleanup planning, and reuse planning anticipated to include greenspace, housing, and commercial development. The plan builds on the Rockwood Renewal Plan, a 20-year strategy for building rehabilitation, environmental studies, and projects supporting affordable housing and TOD. Rockwood residents also worked with the Center for Creative Land Recycling on a Brownfield Vision to Action Workshop for the Vance Pit area, identifying the need for new affordable housing, recreation spaces, and community services as top priorities.

The Moving Forward Milwaukie initiative identifies brownfield reuse as critical to sustainable growth and has prioritized several underutilized "opportunity site" brownfields. The Oak Grove Neighborhood Center Plan documents the community's goals and strategies for protecting affordable housing, addressing vacancy, and supporting more compact, less auto-dependent development.

1.b.ii. Outcomes and Benefits of Reuse Strategy: The reuse strategy will help achieve the goals set out in local plans (Section 1.b.i). Brownfield reuse adjacent to public transit is a proven method for drawing investment and generating economic growth and improving livability. Since 2000, \$16M in Metro TOD investment has leveraged \$697M in private investment resulting in over 1,600 new affordable housing

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units, new businesses and job opportunities, improved walkability and access to services. An Oregon study found that each job created by affordable housing construction projects generates at least one additional local job and 3 more statewide.

The Coalition will help developers layer the Brownfield Grant with other incentives including Opportunity Zones (OZs) to attract investment in Target Area brownfields. The Coalition will work with Business Oregon to use the Oregon OZ Exchange Initiative, a platform that places investment proposals in front of established OZ funds like Oregon Community Capital Inc., a \$50 million fund prioritizing affordable housing. The Tigard Triangle and Rockwood Target Areas are in OZs and investments are underway in Coalition communities. The first housing project to use the Affordable Housing Bond is a TOD project in a Washington County OZ. The project will create 48 affordable homes. The 4th and Main TOD project completed in Washington County in 2015 is a case study of the benefits of the Coalition's strategy. Built on a 1-acre brownfield, the project leveraged \$18 million in public/private investment, created 71 affordable homes, 3 commercial spaces and 140 construction jobs. As noted in Section 1.c below, developers can access Oregon's Multifamily Energy Program to promote building energy efficiency measures into affordable housing.

1.c. Strategy for Leveraging Resources. 1.c.i. Resources Needed for Site Reuse: The Coalition and development partners are eligible for and have leveraged multiple funding sources and assembled complex deals to complete projects. Developers of the first Affordable Housing Bond-funded project underway in Washington County leveraged: 1) state *Local Innovation and Fast Track (LIFT)* funds for affordable housing, 2) state *MultiFamily Energy Program* incentives to build energy efficiency into affordable housing, 3) *Oregon Health Authority* funding for housing that includes mental health case management/treatment, 4) *Low Income Housing Tax Credits*, 5) Metro TOD funding, and 6) city policy of exchanging expedited permitting/fee waivers for developer agreement to include open spaces in the housing development.

Metro's *Affordable Housing Bond* and *TOD Program* make funds available to acquire property and develop affordable housing and TOD. *Metro Planning and Development Grants* fund planning for brownfields, affordable housing, and equitable development strategies. *Tax Incentives* available to brownfield developers include Opportunity Zones, Oregon Affordable Housing Tax Credit, Low-Income Housing Tax Credit, Vertical Housing Tax Credit, Tax Increment Financing in Urban Renewal Areas, and Enterprise Zone incentives. The Coalition will leverage cleanup funding from Business Oregon's brownfield program. Business Oregon offers brownfield grants funded by the state and loans through an EPA Revolving Loan Fund. DEQ also provides funding for brownfield assessment and cleanup/reuse planning. The Coalition will pursue EPA Brownfield Grants for site-specific assessment and cleanup and EPA Targeted Brownfield Assessment funds as needed. The Coalition will also reach out to local organizations including the Oregon Community Foundation (OCF), a \$20M endowment funding affordable housing and livability projects.

1.c.ii Use of Existing Infrastructure: Use of the area's existing transit and utility infrastructure will be an inherent benefit of the Brownfield Grant project. Each Target Area is served by the regional MAX system. This project's focus on serving existing developed communities will reduce the need to expand regional roads, water lines, electrical services, and sewer lines to service sprawled development. All Metro Area TOD projects completed to date required 59 acres of land compared to the 590 acres that would be needed to develop these projects in areas without transit. Metro Area TOD will tie into the existing transit system, keeping development compact and keeping taxpayer-funded infrastructure expansion and maintenance costs down. The Coalition also anticipates using Brownfield Grant funds for assessments of asbestos and lead paint, supporting adaptive reuse of existing buildings. Business

Additional infrastructure needs are not anticipated for reuse plans. However, if needed, Oregon and the state Regional Solutions Program can assist with infrastructure funding if needed to support brownfield reuse. Regional Solutions provides funds for construction projects through the Regional Infrastructure Fund (RIF). Business Oregon provides access to funding and technical assistance through programs like the Special Public Works Fund that can be used for building and infrastructure projects.

2. COMMUNITY NEED AND COMMUNITY ENGAGEMENT. 2.a.i The Community's Need for Funding:

Metro provides land-use and transportation planning to the 3-county 463-square-mile region. With the housing crisis, Metro has had to focus resources on the crisis, providing grants including: 1) \$214K to Clackamas County to expand an affordable housing development; 2) \$150K to Multnomah County Homeless Services; and 3) \$340K for the Tigard Triangle Urban Renewal Implementation project. Coalition members also must direct local funding to the housing crisis. Clackamas County recently committed \$1.2M annually for a new Affordable Housing and Services Fund. Multnomah County has dedicated \$31M to establish a new Joint Office of Homeless Services and has doubled year-round shelter capacity since 2015. Washington County created two new staff positions, Homeless Coordinator and Affordable Housing Development Coordinator. With resources diverted to housing, the City of Gresham where Rockwood is located has cut 70 full-time positions and relies on grants for public safety and other key public services and the City of Tigard is unable to fund four vacant police officer positions. Relative to the surround area, Target Area incomes are low (Table 1 in Section 2.a.ii), unemployment is high (4.5-9% compared to 4.1% in the Portland Metropolitan Statistical Area (MSA)), and median home prices are just 58-89% of prices for the MSA. These factors limit tax revenues that could be directed to brownfields projects.

2.a.ii. Threats to Sensitive Populations. (1) Health or Welfare: The Coalition will use grant funds to address blight and contamination in sensitive communities, and support creation of new housing, services, and amenities. Target Area residents are low-income and housing cost burdened. Median household incomes in the Target Areas are 37%-67% of the Metro Area living wage.^{1,2} Despite the low home values, many Target Area families spend more than 30% of income on housing.

Table 1	Rockwood (CT 98.01)	Tigard Triangle (CT 307)	Milwaukie/Oak Grove (CT 208)
Population	4,583	1,326	4,279
Low Income³	93 rd	88 th	54 th
Housing Cost Burdened*	70%	51%	50%
<i>*Residents spending over 30% of income on rent; Sources: US Census 2017 American Community Survey and EJSCREEN</i>			

Children and minority and linguistically isolated residents are particularly vulnerable. Child poverty rates in Rockwood (48%) and Tigard Triangle (28%) far exceed the Metro Area rate (16%).¹ Rockwood is in the 65th regional percentile for minority population, and Tigard Triangle is in the 70th percentile for linguistically isolated residents.³

People experiencing homelessness are a significant sensitive population in the Target Areas. The 2017 Point-in-Time count revealed a sharp increase in homelessness in Clackamas County since 2015 including a 48% increase in homeless children. Multnomah County saw a 22% increase in homelessness since 2015, including an increase in homeless people with disabilities. In Washington County, the number of homeless residents has not improved in the last five years, and a 2017 count identified 2,393 homeless students. People experiencing homelessness are seeking shelter in vacant buildings, empty lots, industrial areas, and beneath overpasses and bridges near busy roads where they are exposed to poor air quality and soil and water impacted by atmospheric deposition of contaminants.

(2) Greater Than Normal Incidence of Disease and Adverse Health Conditions: Diseases related to air pollution are top health concerns in the Target Areas. County studies also show these disproportionate impacts. In Clackamas County 22% of 11th graders and 22% of 8th graders were diagnosed with asthma from 2013-2015. Asthma and thyroid cancer are the top 2 health concerns in Washington County. Adult asthma rates in Multnomah County are higher than regional rates. As discussed in Section 2.a.ii(3), these concerns are magnified in Target Area environmental justice communities.

In 2016, DEQ discovered metals contamination surrounding a glass manufacturer 3 miles from Milwaukie/Oak Grove which launched Cleaner Air Oregon—a rulemaking process to address regulatory

¹ US Census 2013-2017 American Community Survey 5-Year Estimates

² MIT Living Wage Calculator, household with 2 working adults and 2 children

³ EPA EJSCREEN Regional Percentiles

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gaps that allowed releases of harmful toxics. In 2019, DEQ selected the first 20 facilities in Oregon that will be reviewed due to their high emissions. Six are in the Metro Area, including one just a mile from Milwaukie/Oak Grove. Air pollution from traffic also impacts the Target Areas. The American Lung Association gives Clackamas County an “F” grade for ozone pollution and gives Multnomah and Washington Counties a “C” grade for particulate air pollution. Multi-source air pollution issues are exacerbating respiratory diseases, cancer, and heart disease in the Target Areas.

In 1988, the chlorinated solvents were detected in Milwaukie’s water supply from over 200 commercial release sources. Exposure to solvents causes liver and kidney damage and cancer. A recent county health profile shows that cancer is the leading cause of death in Clackamas County. The city’s water is now safe to drink, but many property owners must restrict groundwater use. The DEQ is still overseeing assessments and cleanups. Due to the extent of the impacts, it is possible that yet unidentified brownfield sources are still contributing to the contamination.

(3) Disproportionately Impacted Populations: Minority and low-income Target Area residents disproportionately bear the consequences of pollution from traffic and industrial discharges. This is clear in the EJSCREEN statewide percentiles for air pollution in the Target Areas (Table 2).

Table 2	Rockwood (CT 98.01)	Tigard Triangle (CT 307)	Milwaukie/Oak Grove*
<i>Traffic Proximity - EJ Index</i>	95 th	85 th	44 th
<i>Respiratory Hazard - EJ Index</i>	98 th	75 th	65 th
<i>Air Toxics Cancer Risk- EJ Index</i>	97 th	73 rd	66 th
<i>PM 2.5 – EJ Index</i>	96 th	73 rd	67 th
<i>*Block group 410050212003; CT = Census Tract; Source: EPA EJSCREEN Regional Environmental Justice Index</i>			

Coalition studies reveal that Target Area low-income children are particularly vulnerable. In Washington County in 2017, asthma was the top reason for

emergency room visits for children on Medicaid.⁴ In 2017 asthma was a leading cause of emergency room visits among Clackamas County children without insurance. In areas of Multnomah County along busy highways, like the Rockwood neighborhood, asthma rates among adults and children are up to 19%.⁵ A 2016 Metro Area study found that up to 13% of African American children on Medicaid were diagnosed with asthma, compared to up to 9% of white children.⁶

Air pollution impacts people experiencing homelessness in the Target Areas as they seek shelter under busy highway overpasses and bridges. The situation has become so urgent that in 2018, the Oregon Department of Transportation established an agreement with local agencies to address homeless camps near state highways and connect displaced people with shelters. People living outdoors near the Target Area’s busy roads are exposed to particulate matter from car exhaust in addition to stormwater runoff and soil contaminated with heavy metals, oils, and other toxic substances.

2.b. Community Engagement. **2.b.i. Project Partners and 2.b.ii. Project Partner Roles:** The Coalition will form a Brownfield Advisory Group (BAG) inviting the organizations listed below and other relevant community stakeholders to join. Each Coalition member, and specifically each County Housing Authority and Health Department, will stay actively engaged and informed in the project by serving on the BAG and sharing information with their communities through established outreach channels.

Target Area Neighborhood Associations will serve on the BAG, assist with outreach, and share project information at their regular meetings, in newsletters, and on Facebook pages and other social media platforms. They will assist with special engagement projects throughout the grant term, which may include community surveys and community-specific roundtables or charettes.

Rockwood Neighborhood: Catherine Nicewood (b) (6) rockwoodpresident@gmail.com

⁴ 2017 Washington County Community Health Improvement Plan

⁵ <https://pamplinmedia.com/sl/207517-61503-mapping-the-portlandareas-asthma-problem>

⁶ 2016 Healthy Columbia Willamette 2016 Community Health Needs Assessment

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Oak Grove Association: Milo Denham isnda.chair@gmail.com

Tigard Triangle Neighborhood Association: Rudy Owens 503.718.2758 rudy@tigard-or.gov

Historic Milwaukie Neighborhood: Ray Bryan (b) (6) historicmilwaukienda@gmail.com

Housing and Community Advocates: The Coalition has strong relationships with community-based organizations working on housing and social/environmental justice issues. The BAG will include representatives of: Unite Oregon Muwafaq Alkattan, 503-505-8309, muwafaz@uniteoregon.com which supports minority and underrepresented Metro Area communities. Unite Oregon will provide insights into engagement of underserved communities. Affordable Housing Bond Community Oversight Committee Representative Serena Cruz, (serenacruz@vgmhc.org) will be a liaison between the BAG and the Bond Community Oversight Committee, which incorporates community goals into recommendations for bond-funded projects. Serena will publicize the availability of Brownfield Grant funds to the Oversight Committee and development community to encourage brownfield reuse.

Affordable Housing and Financing Experts: The Coalition will invite local experts on affordable housing development to participate on the BAG and will reach out to these experts throughout the grant project to leverage developer interest and investment in brownfields: Oregon Community Capital Inc. (OCCI) Opportunity Zone Fund: OCCI raises capital and invests in Oregon's Opportunity Zones so that investors earn returns and our neighbors benefit. Brad Ketch, 503.847.9163, info@oregoncap.com. Stephen McMurtrey of the Clackamas County Housing Authority specializes in affordable housing development including financing (tax credits, HUD funding, bonds, localized financing opportunities) and construction development. smcmurtrey@clackamas.us. Brian Hoop of Housing Oregon, an association of 75 organizations building, financing, and supporting affordable housing. brian@housingoregon.org 503.475.6056. The Coalition will also engage with local affordable housing development partners including Bridge Housing and Reach Community Development Corporation to strategize on brownfield redevelopment with housing.

2.b.iii. Incorporating Community Input: The Coalition will create community capacity to learn about and provide meaningful input into the project. The Coalition has already held a public meeting to share plans to submit the grant application. Upon notice of award, the Coalition will establish a BAG and will create a Public Involvement Plan (PIP) to guide outreach from the project start. Metro's Office of Public Engagement will assist with creating the PIP, contributing deep experience with meaningful productive engagement methods and supporting Metro's Diversity Equity and Inclusion Program. The PIP will be designed to coordinate with the comprehensive outreach planned for the Affordable Housing Bond Measure and local planning efforts, sharing information distribution lists between the groups, coordinating outreach events and sharing project feedback.

The BAG will meet quarterly during the grant term to stay current on project developments and provide input on project decisions. The BAG will also hold a public kickoff event upon grant award, and 3 additional project-specific events during the grant term. Metro and the Coalition partners have experience communicating complex project information with the public and soliciting, considering and adopting public input using a variety of methods including electronic polling and surveys at events, capturing input during workshops/charettes and collecting input via a project webpage. The Coalition will also attend at least two community partner meetings per year of the grant term to share news of the grant and obtain input. The Coalition will compile community input on a quarterly basis and circulate the summary to the BAG to develop options for adopting input. Public input and responses will be summarized in the quarterly project progress reports and on the project webpage.

3. TASK DESCRIPTIONS, COST ESTIMATES, AND MEASURING PROGRESS. 3.a Description of Tasks/Activities and Outputs: Metro will convene and coordinate the BAG. Metro will also manage all project contractors and outputs for each task described below. Metro has allocated budget for personnel/fringe for 350 hours (117 hrs/yr of the 3-year project – see Section 3.b). Metro and the Coalition partners anticipate that the project will require at least an additional 300 hours (100 hrs/yr). Metro and the Coalition partners will donate that additional time as an in-kind contribution of \$30,000.

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Task 1: Project Management	Lead: Metro
Implementation: Metro has contracted with a roster of environmental contractors experienced with EPA Brownfield Grants to assist with this project. Metro will ensure compliance with grant terms and conditions and the project work plan and will direct and manage the technical work of the project contractors.	
Schedule: Metro will lead project management for the 3-year grant period including monthly drawdowns, Quarterly Progress Reports, annual Disadvantaged Business Enterprise reports, annual financial reports, final reporting, and all other reporting required by the Cooperative Agreement with EPA. Metro will provide status updates regarding the project schedule and budget to the BAG at least quarterly.	
Outputs: Quarterly Reports with budget status tables; Assessment, Cleanup, and Redevelopment Exchange System (ACRES) database updates; Annual disadvantaged business enterprise reports; Annual Federal Financial Report; Final Project Closeout Report.	
Task 2: Site Selection and Phase I and II ESAs	Site Selection Lead: BAG Technical Task Lead: Metro will direct contractors
<p>Implementation: Metro will direct the contractor to prepare a brownfield inventory of the Target Areas to add to Metro's existing brownfield studies and guide site selection. The inventory may be expanded to include similarly brownfield-impacted neighborhoods near public transit beyond the Target Areas. The BAG will develop criteria to rank brownfields to guide site selection. The inventory will include the high-priority brownfields described in Section 1.a.ii and will help the BAG identify additional priority sites for assessment. For each site selected, the BAG will evaluate site eligibility and reach out to property owners and developers. The Coalition has budgeted grant funds to complete 16 Phase I ESAs and 8 Phase II ESAs in the Target Areas. Eligibility forms will be completed for EPA review (and DEQ review for petroleum sites) prior to each assessment. Phase I ESAs will comply with the EPA's All Appropriate Inquiry Rule and the ASTM E1527-13 standard. The Coalition will oversee contractor preparation of a project-wide Quality Assurance Project Plan (QAPP) and site-specific Sampling & Analysis Plans (SAPs) for EPA approval prior to Phase II ESAs. An access agreement will be developed for each assessment, outlining the purpose and steps to minimize interference with operations and reinstate property impacted by the assessment.</p> <p>Phase II ESAs will include sampling soil, soil gas, groundwater, building materials and other assessment activities as needed and approved by EPA. Metro and the contractor will work with DEQ when state oversight is needed (e.g. to obtain a No Further Action Letter). The Coalition, supported by technical contractors, will discuss the findings of ESAs and next steps with property owners and stakeholders.</p>	
Schedule: QAPP completed December 2021. Inventory completed February 2021. First Phase I ESA anticipated March 2021, 5-6 Phase I ESAs will be completed per year. First Phase II ESA anticipated August 2021, 2-3 Phase II ESAs will be completed per year.	
Outputs: Prioritized brownfield inventory; Eligibility forms; EPA-approved QAPP and Sampling & Analysis Plans; Site access agreements; Health and safety plans; Phase I and II ESA reports.	
Task 3: Community Engagement	Lead: BAG
<p>Implementation: The Coalition will establish the BAG upon notice of award so that it is in place to lead engagement efforts right away. The BAG will include a representative from each Coalition community in addition to community stakeholders (see Section 2.b). The BAG will: 1) prepare a PIP with outreach tools, methods for collecting, incorporating and responding to public input, and a schedule of outreach events; 2) meet at least quarterly to discuss site selection and project progress; 3) hold at least 4 community events during the grant term; 4) create a project webpage on each Coalition community webpage; 5) develop and distribute fact sheets, press releases, and other outreach materials, 6) develop and implement project-specific methods to solicit, consider and respond to community input, and 7) coordinate meetings with property owners and stakeholders. Community engagement will be a critical component of the Health Assessment scope of work described in Task 4 below.</p>	
Schedule: Community Engagement milestones include: 1) establish the BAG within 2 months of funds being awarded; 2) complete PIP and hold public project kickoff meeting within the first 3 months of receiving the	

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grant; 3) develop project webpages and fact sheets within 3 months of receiving the grant; 4) hold quarterly BAG meetings; and 5) hold at least four grant-related community events.

Outputs: PIP; Public, BAG, and property owner meeting presentations, handouts, and notes; Project webpages; Press releases, fact sheets and other educational materials.

Task 4: Cleanup & Reuse Planning	Health Assessment Lead: Coalition Counties Cleanup/Reuse Plan Site Selection Lead: BAG Technical Task Lead: Metro will direct contractors
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Implementation: The Coalition will conduct a brownfield-impact related Health Assessment in each Coalition community with a focus on the Target Areas and reuse of the priority brownfield sites. The Clackamas, Washington, and Multnomah County Health Authorities will work collaboratively to convene community stakeholder meetings to assess baseline conditions and community concerns/goals around public health in the context of brownfields and redevelopment. The Coalition will use the US Agency for Toxic Substances Disease Registry (ATSDR) Brownfield Action Model and Toolkit to guide this outreach and data gathering process. Using the community-supplied data gathered through this process, the Coalition will develop a framework of trackable, measurable indicators of the effects of redevelopment on community health. The Coalition will prepare a written Community Health Assessment Plan documenting the process, data gathered, and indicators identified during the 3-year grant period. In the final year of the grant term, the Coalition will conduct the first review of community conditions using the indicators developed. These findings will be summarized in an addendum to the Health Assessment Plan.

The budget includes funding for four site-specific brownfield cleanup and/or reuse plans. These plans may include technical environmental remediation plans, evaluations of cleanup options, cleanup cost estimates, or planning and market analyses to evaluate the feasibility of reuse options.

Schedule: Health Assessment, Year 1: Outreach; Year 2: Health Assessment Plan Development; Year 3: Initial community monitoring using indicators developed through the process. The Coalition anticipates completing two site specific cleanup/reuse plans are anticipated in the 2nd year of the project, and two in the 3rd year.

Outputs: Community Health Assessment Plan and background outreach documentation; Four site-specific brownfield cleanup and/or reuse plans.

3.b. Cost Estimates. 3.b.i Development of Cost Estimates. 3.b.ii. Application of Cost Estimates. 3.b.iii. Funds Allocated Toward Environmental Site Assessments.

The scope of work is divided into four tasks as shown in the table below. The budget is split \$390K for hazardous substances (65% of total request) and \$210K for petroleum (35% of total request) based on anticipated contaminants in the Target Areas. Average hourly costs used to develop the budget are as follows: Metro: \$100/hr (\$65/hr personnel, \$35/hour fringe); Contractor: \$150/hr; DEQ: \$175/hr.

Task	Metro (\$100/hr)	Contractual (\$150/hr)	DEQ (\$175/hr)	Total
1: Project Mgmt.	140 hrs = \$14,000 + Travel = \$5,000*	33 hours = \$5,000	\$0	\$24,000
2: Inventory/ESAs/Plans	90 hours = \$9,000	\$347,000**	57 hours = \$10,000	\$366,000
3: Community Engmt.	80 hours = \$8,000	120 hours = \$18,000	\$0	\$26,000
4: Health Assessment	40 hours = \$4,000	1200 hours = \$180,000	\$0	\$184,000

***Travel costs:** (Two Coalition members, 1 national & 1 local conference; airfare [\$500/person = \$1,000, national only]; conference fees, hotel, meal, rental car and incidental costs \$500/day for 2 staff, 2 days, 2 conferences = \$4,000)

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****Task 2 Cost Detail: Inventory \$12,500 (83.3 hrs at \$150/hr); QAPP \$4,000 (26.7 hrs at \$150/hr); SAPs/NHPA/Endangered Species/HASPs \$40,500 (270 hrs at \$150/hr); Phase I ESAs \$68,000 (17 at \$4,000 each); Phase II ESAs \$198,000 (9 at \$22,000 each: Driller \$4500; Lab \$4500; Contractor Labor \$12,000; Expenses/travel/other \$1,000); Site-specific cleanup/reuse plans \$24,000 (4 at \$8,000 each). Costs directly associated with ESAs = \$310,500 (52% of total grant amount): QAPP (\$4,000) + SAPs/NHPA/Endangered Species/HASPs (\$40,500) + Phase I ESAs (\$68,000) + Phase II ESAs (\$198,000)**

Budget Category		Task 1	Task 2	Task 3	Task 4	Total
		Project Mgmt.	Inventory, ESAs & Plans	Community Engagement	Health Assessment	
Haz. Subs. Direct Costs	Personnel	\$7,436	\$3,803	\$2,324	\$1,690	\$15,252
	Fringe Benefits	\$4,004	\$2,048	\$1,251	\$910	\$8,213
	Travel	\$3,250	\$0	\$0	\$0	\$3,250
	Equipment/Supplies	\$0	\$0	\$0	\$0	\$0
	Contractual	\$4,875	\$201,550	\$23,075	\$117,000	\$346,500
	Other (VCP fees)	\$0	\$16,785	\$0	\$0	\$16,785
	Subtotal Direct	\$19,565	\$224,185	\$26,650	\$119,600	\$390,000
Petroleum Direct Costs	Personnel	\$4,004	\$2,048	\$1,251	\$910	\$8,213
	Fringe Benefits	\$2,156	\$1,103	\$674	\$490	\$4,422
	Travel	\$1,750	\$0	\$0	\$0	\$1,750
	Equipment/Supplies	\$0	\$0	\$0	\$0	\$0
	Contractual	\$2,625	\$99,750	\$12,425	\$63,000	\$177,800
	Other (VCP fees)	\$0	\$17,815	\$0	\$0	\$17,815
	Subtotal Direct	\$10,535	\$120,715	\$14,350	\$64,400	\$210,000
TOTAL DIRECT		\$30,100	\$344,900	\$41,000	\$184,000	600,000

3.c Measuring Environmental Results: The Coalition will track project outputs (number of ESAs, outreach events and materials, quarterly reports, cleanup and reuse plans) and summarize them in each quarterly progress report and in ACRES. The Coalition will select outcomes to track that relate directly to goals established in local plans (Section 1.b.i). The Coalition anticipates tracking outcomes such as: number of new affordable housing units and TOD projects underway/completed on brownfields; local community input on improved walkability, transit options, neighborhood services, and livability; reduction in commercial vacancy; greenspaces created on brownfields; funding leveraged. Outcomes will also be tracked as part of the health assessment in Task 4. Outcome metrics will be documented in the Work Plan and progress will be reviewed at least quarterly through the grant term. Progress toward achieving the outputs and outcomes, and any corrective steps required to maintain the Work Plan commitments and timeline, will be presented in quarterly reports. Metro commits to updating ACRES during and beyond the end of the grant term to document longer-term outcomes of the grant.

4. PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE. 4.a Programmatic Capability: 4.a.i Organizational Structure and 4.a.ii Key Staff: Metro Senior Planner, Brian Harper, will manage the grant-funded project. Brian and Metro's planning, economic development, administrative, and grant management staff have ample capacity and EPA Brownfield Grant experience to complete the project in the 3-year term. Metro has procured a roster of environmental contractors experienced with EPA Brownfield Grant projects, which will eliminate procurement delays during the grant term. Brian will supervise and direct the project contractors. Metro will lead the Coalition using a collaborative governance structure to consider the interests of each member. The governance structure will be

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documented in a Memorandum of Agreement before the project begins. The BAG, which will include a representative of each Coalition partner, will be asked to consider and approve funding for each assessment and cleanup/reuse planning project throughout the grant term.

Brian Harper has 20 years of experience in planning and brownfield redevelopment. Brian is successfully managing a FY16 EPA Brownfield Coalition Assessment Grant for the McLoughlin Corridor Focus Area. Brian also served as Assistant Project Manager on Metro's FY08 EPA Brownfield Community-Wide Assessment Grant.

Eryn Kehe of Metro's Office of Public Engagement will guide public outreach to build community capacity to effectively engage in the project. Eryn has been guiding outreach efforts on Metro projects since 2016, including a recently completed National Environmental Policy Act (NEPA) process for the SW Corridor MAX extension. She will help coordinate stakeholder roundtables, online surveys, mailers, and public events to facilitate a two-way exchange of information.

Coalition Partners: **Nadege Dubuisson** of the Multnomah County Health Dept.; **Erika Zoller** of the Clackamas County Health Dept.; and **Kathleen Johnson** of the Washington County Health Dept. will represent the Coalition communities for the grant project and will serve on the BAG.

The Coalition partner representatives will help connect the brownfield reuse aspect of the grant project with the brownfield-related Health Assessment (Task 4).

4.a.iii. Acquiring Addit'l Resources: Metro has contracted with a roster of environmental contractors experienced with EPA Brownfield Grants to assist with technical aspects of this grant project. The Coalition partners have robust procurement systems in place if additional resources are needed. Metro posts all requests for bids/proposals on its website and provides proposal templates and workshops to assist contractors and promote equity in hiring. Metro's follows the National Institute of Governmental Purchasing code of ethics, which ensures a level playing field and avoids conflicts of interest.

4.b. Past Performance and Accomplishments. 4.b.i Currently Has/ Previously Received an EPA Brownfields Grant: (1) Accomplishments: Metro received EPA Brownfield Assessment Grants in FY06 (\$200K) and FY08 (\$200K) and a FY16 Coalition Assessment Grant (\$600K). Accomplishments of the FY06 and FY08 grants include: 1) inventory of 3,000+ brownfields; 2) 6 Phase I ESAs, 7 Phase II ESAs; 3) attended/presented at 6 brownfield conferences; 4) planned cleanup of 3 brownfields; 5) held workshops and prepared outreach materials; and 6) leveraged over \$200K in additional funding. In FY16, Metro formed a collaborative coalition with Clackamas County and Oregon City to address brownfields in the McLoughlin Corridor target area. To date, Metro has completed 6 Phase I ESAs, 5 Phase II ESAs, 3 Analysis of Brownfield Cleanup Alternative reports, prepared one Area-Wide Environmental Study, and held quarterly BAC meetings. Outcomes from the FY16 grant project to date include: 1) enabled Metro to move forward with design and construction for the Willamette Falls Legacy Site Riverwalk public open space; 2) allowed Clackamas County Housing Authority to renovate two affordable housing communities; 3) due diligence and planning for potential affordable "tiny home" development; and 4) prepared a former auto repair shop for development with housing and TOD. Metro has reported all outputs and outcomes on ACRES for the FY06 and 08 grants and continues ACRES reporting for the FY16 grant. The Coalition has expended all FY16 hazardous substances funds and is in the process of using the remaining petroleum funds.

(2) Compliance with Grant Requirements: Metro completed the FY06 and FY08 EPA Brownfield Grant projects within the grant period and in agreement with the project work plan. Metro expended the funds with \$2 of FY06 funds remaining and \$220 of FY08 funds remaining at the end of the terms. Metro achieved the goals of these grant projects and completed ACRES, quarterly, annual and end-of-term reporting. Metro is complying with the FY16 workplan including ACRES and quarterly reporting for the FY16 grant. Metro received a one-year extension from EPA on the FY16 grant. As of the date of this application, Metro has expended over 80% of the FY16 grant funds (period: 9/1/16 to 10/23/19). Metro has received requests for funding for several additional brownfields. With these expenditures, Metro projects that the FY16 funds will be expended by the current Cooperative Agreement end date of September 30, 2020.

Threshold Criteria

FY20 Oregon Metro Coalition - EPA Brownfield Coalition Assessment Grant

1. Applicant Eligibility: Metro is a metropolitan service district created by the Oregon State Legislature (defined in Oregon Revised Statutes [ORS] Chapter 268) and meets the definition of a “general purpose unit of local government” under 2 CFR 200.64. Metro is therefore eligible to receive U.S.EPA funds for Brownfields Assessment.
2. The Metro Charter and ORS 268.300 are attached. Metro’s Coalition partners, Multnomah, Washington and Clackamas Counties are “local governments” as defined in 2 CFR § 200.64.
3. Coalition member commitment letters are attached.
4. Community Involvement: The Coalition will create community capacity to learn about and provide meaningful input into the project. The Coalition has already held a public meeting to share plans to submit the grant application. Upon notice of award, the Coalition will establish a BAG and will create a Public Involvement Plan (PIP) to guide outreach from the project start. Metro’s Office of Public Engagement will assist with creating the PIP, contributing deep experience with meaningful productive engagement methods and supporting Metro’s Diversity Equity and Inclusion Program. The PIP will be designed to coordinate with the comprehensive outreach planned for the Affordable Housing Bond Measure and local planning efforts, sharing information distribution lists between the groups, coordinating outreach events and sharing project feedback.

The BAG will meet quarterly during the grant term to stay current on project developments and provide input on project decisions. The BAG will also hold a public kickoff event upon grant award, and 3 additional project-specific events during the grant term. Metro and the Coalition partners have experience communicating complex project information with the public and soliciting, considering and incorporating public input using a variety of methods including electronic polling and surveys at events, capturing input during workshops/charettes and collecting input via a project webpage. The Coalition will also attend at least two community partner meetings per year of the grant term to share news of the grant and obtain input. The Coalition will compile community input on a quarterly basis and circulate the summary to the BAG to develop response options. Public input and responses will be summarized in the quarterly project progress reports and on the project webpage.

5. Expenditure of Assessment Grant Funds: Metro has spent 78% of the FY16 EPA Brownfield Coalition Assessment Grant. A printout from EPA’s Compass Data Warehouse (attached) shows total draws to date of \$472,472.67 which includes one

draw in the amount of \$6,912.55 completed since November 1, 2019. Subtracting this from the total draw, the amount drawn prior to November 1, 2019 was \$465,560.12 (78% of the total \$600,000 grant amount).

Attachment

- Oregon Revised Statutes Chapter 268 - Metropolitan Service Districts
- Metro Charter

Chapter 268 — Metropolitan Service Districts

2013 EDITION

METROPOLITAN SERVICE DISTRICTS

PUBLIC ORGANIZATIONS FOR COMMUNITY SERVICE

GENERAL PROVISIONS

- 268.010 Short title
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- 268.230 District to protect employees' rights when an operating public transportation system is acquired
- 268.240 PERS membership for specified classes of district employees; conditions

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- 268.300 Existence, status and general powers of district
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- 268.343 Validation of certain easements acquired by district
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- 268.347 Boundary change within district and urban reserves; filing boundary change with county assessor and Department of Revenue
- 268.351 Definitions for ORS 268.347 and 268.354
- 268.354 Boundary change procedures; standards
- 268.357 Authority to sell certain information; marketing agreements; confidentiality
- 268.360 Authority to exercise police power; ordinances; effective dates; enforcement
- 268.370 Authority to take over transit system of mass transit district; effect of transfer order
- 268.380 Land-use planning goals and activities; coordination; review of local plans
- 268.385 District as regional planning coordinator
- 268.390 Planning for activities and areas with metropolitan impact; review of comprehensive plans; urban growth boundary; regional framework plans
- 268.393 Land use planning ordinance; notice to local governments and landowners

FINANCES

(Temporary provisions relating to issuance of bonds for Oregon Convention Center are compiled as notes preceding ORS 268.500)

- 268.500 Levy, collection, enforcement of ad valorem taxes; limitation; classification of property
- 268.503 Vehicle registration fees
- 268.505 Income tax; rate limitation; elector approval required
- 268.507 Excise taxes

GENERAL OBLIGATION BONDS

- 268.520 Authority to issue and sell general obligation bonds
- 268.525 Refunding bonds
- 268.530 Bond elections

REVENUE BONDS

- 268.590 Credit enhancement of district bonds and other obligations

- 268.600 Issuance of revenue bonds; use of proceeds; status of bonds
- 268.610 Ordinance authorizing revenue bonds; content; special trust funds; trustees; enforcement
- 268.620 Form and content of bonds
- 268.630 Borrowing in anticipation of bond sale; bond anticipation notes; content; sale of notes
- 268.640 Sale of revenue bonds
- 268.650 Bonds as obligation of a political subdivision
- 268.660 Effect of ORS 268.600 to 268.660

DISTRICT CHARTER

- 268.710 Electors of county may adopt, amend, revise or repeal district charter; limitation on certain actions

PENALTIES

- 268.990 Penalties

GENERAL PROVISIONS

268.010 Short title. This chapter may be referred to as the Metropolitan Service District Act of 1997. [1969 c.700 §1; 1997 c.833 §3]

268.015 [1977 c.665 §1; repealed by 1997 c.833 §27]

268.020 Definitions. As used in this chapter:

- (1) “District” means a metropolitan service district established under this chapter.
- (2) “District charter” means a home rule charter enacted by the electors of a district under section 14, Article XI, Oregon Constitution.
- (3) “Metropolitan area” means that area which on October 4, 1997, lies within the boundaries of Clackamas, Multnomah and Washington Counties.
- (4) “Improvement” means the facilities and other property constructed, erected or acquired by and to be used in the performance of services authorized to be performed by a district.
- (5) “Metropolitan significance” means having major or significant district-wide impact.
- (6) “Person” means a public body as defined in ORS 174.109, individual, corporation, partnership, association, firm, trust, estate or any other legal entity.
- (7) “Regional framework plan” means the Metro regional framework plan defined in ORS 197.015 and any district ordinances that implement the plan. [1969 c.700 §2; 1977 c.665 §2; 1979 c.531 §3; 1987 c.349 §1; 1997 c.833 §4; 2003 c.802 §97]

268.030 Purpose of chapter; limitation on number of districts; purpose of districts. (1) This chapter is enacted in order to provide a method of making available in metropolitan areas public services not adequately available through previously authorized governmental agencies.

- (2) To this end not more than one district may be established under this chapter in any metropolitan

area.

(3) Subject to the provisions of a district charter, a district, where formed, shall provide for those aspects of land use planning having metropolitan significance. [1969 c.700 §3; 1975 c.510 §1; 1977 c.95 §16; 1977 c.665 §3; 1977 c.782 §3; 1997 c.833 §5]

268.040 Exemption from public utility regulation. Transportation facilities operated by a district, including the rates and charges made by the district and the equipment operated by the district, and transportation facilities operated for a district by a private operator pursuant to a contract between the operator and the district, including the rates and charges made by the operator pursuant to the contract, and the equipment operated pursuant to the contract, shall not be subject to the laws of this state regulating public utilities, including those laws administered by the Public Utility Commission of Oregon. [1969 c.700 §31]

268.050 [1969 c.700 §28; 1981 c.173 §40; 1983 c.350 §129; 1989 c.328 §2; repealed by 1997 c.833 §27]

268.060 Costs of elections. (1) The cost of elections to nominate or elect elected officials of the district shall be paid by the district.

(2) When a district election is held on a district measure, the election shall be conducted under ORS chapter 255. [1977 c.665 §6a (enacted in lieu of 268.200); 1997 c.833 §6]

268.070 [1989 c.321 §7; repealed by 1997 c.833 §27]

268.100 [1969 c.700 §4; 1971 c.727 §97; repealed by 1997 c.833 §27]

268.110 [1969 c.700 §5(1),(2); repealed by 1971 c.727 §203]

268.115 [1969 c.700 §5(3),(4); repealed by 1971 c.727 §191]

268.120 [1969 c.700 §6; 1971 c.727 §99; repealed by 1997 c.833 §27]

268.125 [1977 c.665 §14; repealed by 1991 c.15 §8]

268.130 [1969 c.700 §7; repealed by 1971 c.727 §191]

268.150 [1977 c.665 §5 (enacted in lieu of 268.200); 1979 c.804 §7; 1981 c.353 §3a; 1981 c.375 §3; 1983 c.350 §130; 1985 c.808 §78; 1989 c.10 §1; 1989 c.321 §1; 1995 c.712 §101; repealed by 1997 c.833 §27]

268.160 [1977 c.665 §6 (enacted in lieu of 268.200); 1979 c.804 §8; repealed by 1997 c.833 §27]

268.170 [1977 c.665 §20; repealed by 1997 c.833 §27]

268.180 [1977 c.665 §7 (enacted in lieu of 268.200); 1979 c.804 §9; 1981 c.375 §4; 1983 c.350 §131; 1987 c.349 §2; 1995 c.658 §100; repealed by 1997 c.833 §27]

268.190 [1977 c.665 §8 (enacted in lieu of 268.200); 1987 c.349 §5; repealed by 1997 c.833 §27]

268.200 [1969 c.700 §9; repealed by 1977 c.665 §4 (268.060, 268.150, 268.160, 268.180, 268.190 and 268.312 enacted in lieu of 268.200)]

268.210 [1969 c.700 §27; 1987 c.349 §6; repealed by 1997 c.833 §27]

268.215 [1987 c.349 §4; repealed by 1997 c.833 §27]

EMPLOYEE RIGHTS AND BENEFITS

268.220 Employees' rights when district assumes a function of another public corporation, city or county. Except as otherwise provided by ORS 268.230, a district shall offer to employ every person who, on the date the district takes over a function of a public corporation, city or county in the district, is employed by the corporation, city or county to carry on the function. Where the district employs such a person, the employee shall remain an employee of the corporation, city or county for purposes of any pension or retirement plan the employee has been included in by the corporation, city or county and shall continue to have rights and benefits thereunder as if the person had remained an employee of the corporation, city or county, until the district provides a similar plan for its employees and the employee is included in the plan. Until the employee is so included, the district shall deduct from the compensation of the employee the amount the employee is required to pay under the plan of the corporation, city or county; shall pay that amount to the corporation, city or county, which shall credit the amount to the employee under the plan; and shall make whatever payments the plan calls for the employer to make. [1969 c.700 §30]

268.225 [1979 c.804 §2; repealed by 1997 c.833 §27]

268.230 District to protect employees' rights when an operating public transportation system is acquired. When the district acquires an operating public transportation system, it shall make fair and equitable arrangements to protect the interests of employees and retired employees of the system. Such protective arrangements shall include, but shall not be limited to:

- (1) Preservation of rights, privileges and benefits, including continuation of pension rights and payment of benefits, existing under collective bargaining agreements, or otherwise;
- (2) Continuation of collective bargaining rights;
- (3) Protection of individual employees against a worsening of their positions with respect to their employment; and
- (4) Assurance of employment to persons employed by the mass transportation system acquired and priority of reemployment to persons previously employed. [1969 c.700 §29a]

268.240 PERS membership for specified classes of district employees; conditions. (1) A district that is not participating in the Public Employees Retirement System may, by application to the board, include any class of employees of the district in the system established by ORS chapters 238 and 238A without entering into a contract of integration with the board under ORS 238.680.

(2) The board shall consider an application received under this section to be an application to become a participating employer under ORS chapters 238 and 238A but only to the extent of providing membership for the class of employees described in the application.

(3) The board, upon such terms as are set forth in a contract between the board and the employer, shall allow every employee in the specified class to become members of the Public Employees Retirement System in accordance with ORS chapters 238 and 238A.

(4) When a district enters into a contract with the board under subsection (3) of this section, the district shall agree to eventually extend coverage under ORS chapters 238 and 238A to all eligible district employees through successive contracts with the board.

(5) All employees who have completed the period of service with the public employer that is required under ORS 238.015, 238A.100 or 238A.300 shall become members of the system on a date specified by the board. All other employees in the described class shall become members upon completion of the

required period of service.

(6) As used in this section, “board” means the Public Employees Retirement Board established under ORS 238.630. [1989 c.879 §2; 2003 c.733 §72]

POWERS

268.300 Existence, status and general powers of district. (1) A metropolitan service district has full power to carry out the objectives of its formation and the functions authorized pursuant to its charter and to that end may have and use a seal, have perpetual succession, sue and be sued in its own name, and enter into contracts.

(2) For purposes of its authorized functions, a district may enter into intergovernmental agreements under ORS chapter 190. [1969 c.700 §§8,26; 1977 c.95 §1; 1997 c.833 §7; 2003 c.802 §98]

268.310 Powers of district. Subject to the provisions of a district charter, a district may, to carry out the purposes of this chapter:

(1) Subject to the requirements of ORS 459.005 to 459.045, 459.065 to 459.105, 459.205 to 459.385, 459.992 (1) and (2) and 466.995 (1), dispose, and provide facilities for disposal, of solid and liquid wastes.

(2) Provide public transportation and terminal facilities for public transportation, including local aspects thereof transferred to the district by one or more other public corporations, cities or counties through agreements in accordance with this chapter.

(3) Acquire, construct, alter, maintain, administer and operate metropolitan zoo facilities.

(4) Acquire, construct, alter, maintain, administer and operate major cultural, convention, exhibition, sports and entertainment facilities. However, unless the electors of the district first approve the financing of the facilities, the district shall not:

(a) Construct new facilities; or

(b) Except for facilities acquired by means of an intergovernmental agreement, acquire existing facilities.

(5) Acquire, develop, maintain and operate a system of parks, open space and recreational facilities of metropolitan significance.

(6) Exercise jurisdiction over other matters of metropolitan concern as authorized by a district charter. [1969 c.700 §10; 1971 c.648 §22; 1975 c.510 §2; 1977 c.95 §17; 1977 c.665 §10; 1977 c.782 §5; 1979 c.804 §4; 1987 c.844 §1; 1997 c.833 §8]

268.312 [1977 c.665 §10a (enacted in lieu of 268.200); 1977 c.782 §6; 1985 c.204 §1; repealed by 1997 c.833 §27]

268.315 Authority of district to levy ad valorem tax. For the purpose of performing the functions set forth in ORS 268.310 (3), the district, when authorized at any properly called election held for such purpose, shall have the power to levy an ad valorem tax on all taxable property within its boundaries not to exceed in any one year one-half of one percent (0.005) of the real market value of all taxable property within the boundaries of such district, computed in accordance with ORS 308.207. [1975 c.510 §3; 1991 c.459 §368; 1997 c.833 §9]

Note: 268.315 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 268 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

268.317 Solid and liquid waste disposal powers. For purposes of solid and liquid waste disposal, a district may:

(1) Build, construct, acquire, lease, improve, operate and maintain landfills, transfer facilities,

resource recovery facilities and other improvements, facilities or equipment necessary or desirable for the solid and liquid waste disposal system of the district. Leases authorized by this section include lease-purchase agreements whereunder the district may acquire ownership of the leased property at a nominal price. Such leases and lease-purchase agreements may be for a term of up to 30 years.

(2) Sell, enter into short or long-term contracts, solicit bids, enter into direct negotiations, deal with brokers or use other methods of sale or disposal for the products or by-products of the district's facilities.

(3) Require any person or class of persons who generate solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the district or disposal, transfer or resource recovery sites or facilities designated by the district.

(4) Require any person or class of persons who pick up, collect or transport solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the district or disposal, transfer or resource recovery sites or facilities designated by the district.

(5) Regulate, license, franchise and certify disposal, transfer and resource recovery sites or facilities; establish, maintain and amend rates charged by disposal, transfer and resource recovery sites or facilities; establish and collect license or franchise fees; and otherwise control and regulate the establishment and operation of all public or private disposal, transfer and resource recovery sites or facilities located within the district. Licenses or franchises granted by the district may be exclusive. Existing landfills authorized to accept food wastes which, on March 1, 1979, are either franchised by a county or owned by a city are exempt from the district's franchising and rate regulation.

(6) Prescribe a procedure for the issuance, administration, renewal or denial of contracts, licenses or franchises granted under subsection (5) of this section.

(7) Regulate the service or services provided by contract, license or franchise and order modifications, additions or extensions to the equipment, facilities, plan or services as shall be in the public interest.

(8) Receive, accept, process, recycle, reuse and transport solid and liquid wastes. [1977 c.95 §3; 1979 c.531 §4]

268.318 District approval required for disposal, transfer or resource recovery site or facility; criteria. (1) No public or private disposal, transfer or resource recovery site or facility in the metropolitan service district shall be established, modified or extended without the prior approval of the district. The district may deny an application for the establishment, modification or extension of a site or facility if pursuant to its solid waste management plan the district has either:

(a) Entered into contracts obligating the district to supply or direct minimum quantities of solid wastes to sites or facilities designated in the contract in order that those sites or facilities will operate economically and generate sufficient revenues to liquidate any bonded or other indebtedness incurred by reason of those sites or facilities; or

(b) Adopted a franchise system for the disposal of solid or liquid wastes.

(2) In considering an application for the establishment, modification or extension of a site or facility, the metropolitan service district may take into account the location and number of existing sites or facilities and their remaining capacities, whether the proposed establishment, modification or extension complies with the district's solid waste management plan and whether the applicant has complied with all other applicable regulatory requirements.

(3)(a) As used in this subsection:

(A) "Compost" has the meaning given that term in ORS 459.005.

(B) "Disposal site" has the meaning given that term in ORS 459.005.

(C) "Property line" has the meaning given that term in ORS 92.010.

(D) "School" has the meaning given that term in ORS 459.243.

(b) The metropolitan service district may not approve the establishment of a commercial disposal site for composting if the property line of the proposed disposal site for composting is located within 1,500 feet of a property line of a school that is within an exception area for rural residential uses. [1979 c.531

§2; 1997 c.833 §24; 2013 c.524 §6]

Note: Section 7, chapter 524, Oregon Laws 2013, provides:

Sec. 7. Section 5 of this 2013 Act [459.243] and the amendments to ORS 268.318 by section 6 of this 2013 Act apply to applications pending on or filed on or after January 1, 2013. [2013 c.524 §7]

268.319 Reuse and recycling of electronic products. Any metropolitan service district serving a population of more than 500,000 persons shall develop and implement a program pertaining to electronic product reuse and recycling. Under the program, the metropolitan service district shall prepare educational materials relating to the collection, recycling and reuse of used consumer electronic products and develop and implement an outreach and education program. [2003 c.706 §4]

Note: 268.319 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 268 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

268.320 Elector approval of district actions. Subject to the provisions of a district charter, the electors of a district may, from time to time, and in exercise of their power of the initiative, or by approving a proposition referred to them by the governing body of the district, authorize the district to assume additional functions. [1969 c.700 §11; 1977 c.95 §18; 1977 c.665 §11; 1997 c.516 §7; 1997 c.833 §10; 2005 c.22 §192; 2007 c.173 §4]

268.330 Powers when providing local aspects of service; powers for public transportation; tax refunds. Subject to the provisions of a district charter:

(1) A district, to provide a local aspect of a public service, may take over facilities and functions of another public corporation, city or county, and may exercise powers of the corporation, city or county, in accordance with the agreement by which the district assumes the functions of the other corporation, city or county.

(2) For purposes of public transportation, a district may:

(a) Contract with the United States or with any county, city or state, or any of their departments or agencies, for the construction, preservation, improvement, operation or maintenance of any mass transit system.

(b) Build, construct, purchase, improve, operate and maintain, subject to other applicable provisions of law, all improvements, facilities or equipment necessary or desirable for the mass transit system of the district.

(c) Enter into contracts and employ agents, engineers, attorneys and other persons and fix their compensation.

(d) Fix and collect charges for the use of the transit system and other district facilities.

(e) Construct, acquire, maintain and operate passenger terminal facilities and motor vehicle parking facilities in connection with the mass transit system within or outside the district.

(f) Use a public thoroughfare in a manner mutually agreed to by the governing bodies of the district and of the thoroughfare or, if they cannot so agree upon how the district may use the thoroughfare, in a manner determined by an arbitrator appointed by the Governor.

(g) Do such other acts or things as may be necessary or convenient for the proper exercise of the powers granted to a district by this chapter.

(3) A district shall be entitled to tax refunds under ORS 319.831, as if the district were a city. [1969 c.700 §12; 1979 c.344 §3; 1983 c.740 §69; 1997 c.833 §11]

268.335 [1977 c.665 §21; repealed by 1997 c.833 §27]

268.340 Acquisition of property; condemnation procedure; authority to lease and dispose of property; right of entry to survey lands. (1) To the extent necessary to provide a metropolitan aspect of a public service, a district may acquire by purchase, condemnation, devise, gift or grant real and personal property or any interest therein within and without the district, including property of other public corporations. In so doing the district may proceed under ORS chapter 35.

(2) A district may lease and dispose of property in accordance with ORS 271.300 to 271.360.

(3) For purposes of surveys necessary for its proper functioning, a district may enter upon land, after giving the owner thereof reasonable advance notice of the entry. [1969 c.700 §§13,14,15; 1979 c.804 §5; 1985 c.443 §3]

268.342 [1977 c.665 §23; repealed by 1997 c.833 §27]

268.343 Validation of certain easements acquired by district. Conservation easements and highway scenic preservation easements acquired by a metropolitan service district prior to May 28, 1999, are validated. [1999 c.208 §5]

Note: 268.343 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 268 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

268.345 Limitation on condemnation power for certain facilities. Notwithstanding any power of condemnation, the district shall not acquire existent major cultural, convention, exhibition, sports or entertainment facilities owned by a public or municipal corporation without the consent of the governing body of that corporation. [1977 c.782 §2]

268.347 Boundary change within district and urban reserves; filing boundary change with county assessor and Department of Revenue. (1) Notwithstanding contrary provisions regarding jurisdiction under ORS chapters 198, 221 and 222, a metropolitan service district shall exercise jurisdiction, as provided in this section and ORS 268.351 and 268.354, over a boundary change within the boundaries of the district and within all territory designated as urban reserves by the district.

(2) For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [1997 c.516 §13; 2001 c.138 §14; 2005 c.22 §193; 2007 c.173 §1; 2009 c.216 §1]

268.350 [1969 c.700 §23; repealed by 1997 c.833 §27]

268.351 Definitions for ORS 268.347 and 268.354. (1) As used in ORS 268.347 and 268.354, “boundary change” means a major boundary change or a minor boundary change, as those terms are defined in ORS 199.415.

(2) For the purpose of applying the definitions of “major boundary change” and “minor boundary change” to ORS 268.347 and 268.354, “district,” as used in those definitions, means a:

(a) Domestic water supply district organized under ORS chapter 264.

(b) Park and recreation district organized under ORS chapter 266.

(c) Metropolitan service district organized under ORS chapter 268.

(d) Sanitary district organized under ORS 450.005 to 450.245.

(e) Sanitary authority, water authority or joint water and sanitary authority organized under ORS 450.600 to 450.989.

(f) District formed under ORS 451.410 to 451.610 to provide water or sanitary service. [1997 c.516 §9; 2005 c.22 §194; 2007 c.173 §2; 2011 c.26 §1]

268.354 Boundary change procedures; standards. (1) In addition to the requirements established by ORS chapters 198, 221 and 222 for a boundary change, a metropolitan service district, in consultation with the Metro Policy Advisory Committee, may establish requirements for a boundary change that is subject to the jurisdiction of the district pursuant to ORS 268.347.

(2) For a boundary change that is subject to the jurisdiction of the district pursuant to ORS 268.347, the district shall:

- (a) Establish a uniform hearing and notification process.
- (b) Establish an expedited process for uncontested boundary changes.
- (c) Establish clear and objective criteria for a boundary change.

(d) Ensure that a boundary change is in compliance with the Metro regional framework plan, as defined in ORS 197.015, and cooperative agreements and urban service agreements adopted pursuant to ORS chapter 195.

(3) The role of a metropolitan service district in the boundary determination process shall be ministerial only.

(4) Except as provided in this section and ORS 268.347 and 268.351, for a boundary change subject to the jurisdiction of the metropolitan service district:

(a) Proceedings for annexation of territory to a city and for all other changes in city boundaries shall be conducted as provided in ORS chapter 222.

(b) Proceedings for annexation of territory to a district, and for all other changes to the boundaries of a district, shall be conducted as provided in ORS chapter 198. Notwithstanding ORS 268.020, as used in this paragraph, “district” has the meaning given that term in ORS 268.351.

(c) Proceedings for annexation of territory to the metropolitan service district, including annexation of territory not within the urban growth boundary of the district, and for all other changes to the boundaries of the district shall be conducted as provided in ORS chapter 198.

(d) Notwithstanding contrary provisions regarding the party responsible for conducting hearings under ORS chapter 198, the metropolitan service district is the governing body responsible for conducting proceedings for a minor boundary change to the district. Except for a change to the district boundary by adoption of an urban growth boundary under ORS 268.390, proceedings for a minor boundary change to the boundaries of a district shall be conducted as provided in ORS chapter 198.

[1997 c.516 §10; 1999 c.282 §1; 2005 c.22 §195; 2007 c.173 §3; 2009 c.216 §2; 2011 c.26 §2]

268.355 [1979 c.804 §3; repealed by 1997 c.833 §27]

268.357 Authority to sell certain information; marketing agreements; confidentiality. Subject to the provisions of a district charter, a district may impose and collect reasonable fees based on market prices or competitive bids for geographic data that have commercial value and are an entire formula, pattern, compilation, program, device, method, technique, process, database or system developed with a significant expenditure of public funds. A district may enter into agreements with private persons or entities to assist with marketing such products. Notwithstanding any other provision of law, district software product programming source codes, object codes and geographic databases or systems are confidential and exempt from public disclosure under ORS 192.502. Nothing in this section authorizes a district to restrict access to public records through inclusion of such records in a geographic database or system. [1989 c.476 §2; 1997 c.833 §12]

268.360 Authority to exercise police power; ordinances; effective dates; enforcement. Subject to the provisions of a district charter:

(1) For purposes of its authorized functions a district may exercise police power and in so doing adopt the ordinances that a majority of the members of its council considers necessary for the proper functioning of the district. All legislative acts shall be by ordinance.

(2) Unless otherwise specified by the district in the ordinance, an ordinance shall become effective on

the 90th day after its adoption. If the district refers an ordinance to the electors, the ordinance shall become effective on the 30th day after its approval by a majority of the electors voting on the measure or on a later date specified in the ordinance. If a referendum petition, other than a petition referring an ordinance declaring an emergency, is filed with the filing officer not later than the 90th day after the adoption of the ordinance and before the ordinance takes effect, the effective date of the ordinance shall be suspended. An ordinance referred by a proper referendum petition shall become inoperative and shall not take effect if a majority of the electors voting on the measure reject the ordinance.

(3) In addition to the provisions of ORS 268.990, violation of the district's ordinances may be enjoined by the district in an action in a court of competent jurisdiction.

(4) In addition to any other penalty provided by law, any person who violates any ordinances or order of the district pertaining to one or more of its authorized functions shall incur a civil penalty not to exceed \$500 a day for each day of violation.

(5) When an order assessing a civil penalty under this section becomes final by operation of law or on appeal, and the amount of penalty is not paid within 10 days after the order becomes final, the order may be recorded with the county clerk in any county of this state. The clerk shall record the name of the person incurring the penalty and the amount of the penalty in the County Clerk Lien Record. [1969 c.700 §24; 1977 c.95 §4; 1977 c.665 §12; 1981 c.173 §41; 1981 c.353 §4; 1983 c.350 §132; 1991 c.15 §4; 1991 c.734 §16; 1997 c.833 §13; 2003 c.561 §1]

268.370 Authority to take over transit system of mass transit district; effect of transfer order.

Subject to the provisions of a district charter, when a metropolitan service district organized under this chapter functions in a mass transit district organized under ORS 267.010 to 267.390, the governing body of the metropolitan district may at any time order transfer of the transit system of the transit district to the metropolitan district, whereupon:

(1) The governing body of the transit district shall transfer title to, and possession of, the transit system and of all books, records, files, documents, and other property of the district to the metropolitan district.

(2) The metropolitan district shall be responsible for all the liabilities and obligations imposed upon or assumed by the transit district.

(3) For purposes of mass transit the metropolitan district shall have all the rights, powers, privileges, and immunities, and be subject to all the duties and obligations, of a mass transit district under ORS 267.010 to 267.390, insofar as those rights, powers, privileges, immunities, duties, and obligations are consistent with this chapter.

(4) The boundaries of the metropolitan district shall, for purposes of mass transit, be extended to encompass all the territory of the transit district.

(5) The transit district shall be dissolved and the offices of its directors terminated. [1969 c.700 §32; 1997 c.833 §14]

268.380 Land-use planning goals and activities; coordination; review of local plans. (1) A district may:

(a) Adopt land-use planning goals and objectives for the district consistent with goals adopted under ORS chapters 195, 196 and 197;

(b) Review the comprehensive plans in effect on January 1, 1979, or subsequently adopted by the cities and counties within the district and recommend that cities and counties, as the district considers necessary, make changes in any plan to ensure that the plan conforms to the district's metropolitan area goals and objectives and the statewide goals;

(c) Coordinate the land-use planning activities of that portion of the cities and counties within the district; and

(d) Coordinate its activities and the related activities of the cities and counties within the district with the land-use planning development activities of the federal government, other local governmental bodies

situated within this state or within any other state and any agency of this state or another state.

(2) When a district is required by a district charter to adopt a regional framework plan, the regional framework plan shall include and be consistent with land use planning goals and objectives adopted by the district. [1977 c.665 §17; 1979 c.804 §11; 1997 c.833 §15; 2001 c.672 §8]

268.385 District as regional planning coordinator. (1) For the purposes of ORS 195.025, the district formed under this chapter shall exercise within the district the review, advisory and coordinative functions assigned under ORS 195.025 (1) to each county and city that is within the district.

(2) ORS 195.025 (3) and (4) shall not apply to a district formed under this chapter. [1977 c.665 §19]

268.390 Planning for activities and areas with metropolitan impact; review of comprehensive plans; urban growth boundary; regional framework plans. (1) A district may define and apply a planning procedure that identifies and designates areas and activities having significant impact upon the orderly and responsible development of the metropolitan area, including, but not limited to, impact on:

- (a) Air quality;
- (b) Water quality; and
- (c) Transportation.

(2) A district may prepare and adopt functional plans for those areas designated under subsection (1) of this section to control metropolitan area impact on air and water quality, transportation and other aspects of metropolitan area development the district may identify.

(3)(a) A district shall adopt an urban growth boundary for the district in compliance with applicable goals adopted under ORS chapters 195, 196 and 197. When a district includes land designated as urban reserve under ORS 195.145 (1)(b) within an urban growth boundary pursuant to ORS 197.298 (1), the district is not required to consider the capability classification system or the cubic foot site class of the land as described in ORS 197.298 (2).

(b) Notwithstanding the procedural requirements for boundary changes under ORS 268.354, when the district adopts an urban growth boundary, the urban growth boundary becomes the boundary of the district.

(4) A district may review the comprehensive plans adopted by the cities and counties within the district that affect areas designated by the district under subsection (1) of this section or the urban growth boundary adopted under subsection (3) of this section and recommend or require cities and counties, as it considers necessary, to make changes in any plan to ensure that the plan and any actions taken under the plan substantially comply with the district's functional plans adopted under subsection (2) of this section and its urban growth boundary adopted under subsection (3) of this section.

(5) Pursuant to a regional framework plan, a district may adopt implementing ordinances that:

(a) Require local comprehensive plans and implementing regulations to substantially comply with the regional framework plan within two years after compliance acknowledgment.

(b) Require adjudication and determination by the district of the consistency of local comprehensive plans with the regional framework plan.

(c) Require each city and county within the jurisdiction of the district and making land use decisions concerning lands within the land use jurisdiction of the district to make those decisions consistent with the regional framework plan. The obligation to apply the regional framework plan to land use decisions shall not begin until one year after the regional framework plan is acknowledged as complying with the statewide land use planning goals adopted under ORS chapters 195, 196 and 197.

(d) Require changes in local land use standards and procedures if the district determines that changes are necessary to remedy a pattern or practice of decision-making inconsistent with the regional framework plan.

(6) A process established by the district to enforce the requirements of this section must provide:

- (a) Notice of noncompliance to the city or county.
- (b) Opportunity for the city or county to be heard.

(c) Entry of an order by the district explaining its findings, conclusions and enforcement remedies, if any.

(7) Enforcement remedies ordered under subsection (6) of this section may include, but are not limited to:

(a) Direct application of specified requirements of functional plans to land use decisions by the city or county;

(b) Withholding by the district of discretionary funds from the city or county; and

(c) Requesting an enforcement action pursuant to ORS 197.319 to 197.335 and withholding moneys pursuant to an enforcement order resulting from the enforcement action.

(8) An order issued under subsection (6) of this section:

(a) Must provide for relief from enforcement remedies upon action by the city or county that brings the comprehensive plan and implementing regulations into substantial compliance with the requirement.

(b) Is subject to review under ORS 197.830 to 197.845 as a land use decision.

(9) The regional framework plan, ordinances that implement the regional framework plan and any determination by the district of consistency with the regional framework plan are subject to review under ORS 197.274. [1977 c.665 §18; 1979 c.402 §1; 1983 c.827 §53; 1985 c.565 §40; 1997 c.833 §16; 2007 c.176 §1; 2009 c.216 §3; 2009 c.497 §1]

268.393 Land use planning ordinance; notice to local governments and landowners. (1) As used in this section, “owner” means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll.

(2) At least 45 days prior to the final public hearing on a proposed new or amended land use planning ordinance of a metropolitan service district, the district shall cause written notice of the proposed ordinance to be mailed to every owner of real property that will be rezoned as a result of the proposed ordinance.

(3) The notice required in subsection (2) of this section must:

(a) Contain substantially the following language in boldfaced text extending across the top of the face page from the left margin to the right margin:

This is to notify you that the metropolitan service district has proposed a land use planning ordinance that may affect the permissible uses of your property and other properties.

(b) Contain substantially the following language in the body of the notice:

On (date of public hearing), the metropolitan service district will hold a public hearing regarding the adoption of ordinance (number). The district has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

Ordinance (number) is available for inspection at the metropolitan service district offices located at (address). A copy of the ordinance (number) is available for purchase at a cost of \$_____.

For additional information, contact the metropolitan service district at (telephone number).

(4) If real property of an owner will be rezoned as a result of the adoption of the land use planning ordinance and the owner was not notified pursuant to subsection (2) of this section, at least 30 days prior to the effective date of a new or amended land use planning ordinance of a metropolitan service district, the district shall cause written notice of the new or amended ordinance to be mailed to the owner of the real property that will be rezoned.

(5) The notice required in subsection (4) of this section must:

(a) Contain substantially the following language in boldfaced text across the top of the face page extending from the left margin to the right margin:

This is to notify you that the metropolitan service district has adopted a land use planning ordinance that may affect the permissible uses of your property and other properties.

(b) Contain substantially the following language in the body of the notice:

On (date of ordinance adoption), the metropolitan service district adopted ordinance (number). The district has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

Ordinance (number) is available for inspection at the metropolitan service district offices located at (address). A copy of the ordinance (number) is available for purchase at a cost of \$ ____.

For additional information, contact the metropolitan service district at (telephone number).

(6) For purposes of this section, property is rezoned by a land use planning ordinance adopted by a metropolitan service district if the ordinance directly or indirectly requires a local government to:

(a) Change the base zoning classification of the property; or

(b) Modify land use regulations applicable to the property in a manner that would limit or prohibit land uses previously allowed. [1999 c.1 §7; 2003 c.668 §4a; 2003 c.802 §99]

268.395 [1985 c.785 §2; repealed by 1997 c.516 §15 and 1997 c.833 §27]

268.400 [1985 c.785 §3; repealed by 1997 c.516 §15 and 1997 c.833 §27]

268.460 [1981 c.641 §2; repealed by 1997 c.833 §27]

268.465 [1981 c.641 §3; repealed by 1997 c.833 §27]

268.470 [1981 c.641 §4; repealed by 1997 c.833 §27]

268.475 [1981 c.641 §5; repealed by 1997 c.833 §27]

268.480 [1981 c.641 §6; repealed by 1997 c.833 §27]

268.485 [1981 c.641 §7; repealed by 1997 c.833 §27]

268.490 [1981 c.641 §8; repealed by 1997 c.833 §27]

268.495 [1981 c.353 §2; 1983 c.740 §70; repealed by 1995 c.333 §37]

FINANCES

(Temporary provisions relating to issuance of bonds for Oregon Convention Center)

Note: Section 17, chapter 786, Oregon Laws 2013, provides:

Sec. 17. (1) For the biennium beginning July 1, 2013, at the request of the Oregon Department of Administrative Services, after the department consults with Metro, the State Treasurer is authorized to issue lottery bonds pursuant to ORS 286A.560 to 286A.585 in an amount that produces \$10 million in net proceeds and interest earnings for the purpose described in subsection (2) of this section, plus an additional amount estimated by the State Treasurer to be necessary to pay bond-related costs.

(2) Net proceeds of lottery bonds issued under this section in an amount sufficient to provide \$10

million in net proceeds and interest earnings must be transferred to the department for deposit in the ODAS Economic Development Distributions Fund established in section 23 of this 2013 Act [461.553] for distribution to Metro for the purpose of acquiring, developing, constructing and equipping the Oregon Convention Center hotel project.

(3) The Legislative Assembly finds that the use of lottery bond proceeds will create jobs, further economic development, finance public education or restore and protect parks, beaches, watersheds and native fish and wildlife, and is authorized based on the finding that establishment of the Oregon Convention Center hotel will create jobs in construction and result in an increased flow of money to Oregon generally and to businesses around the Oregon Convention Center by increasing the viability of the Oregon Convention Center as a site for national and international convention business. [2013 c.786 §17]

Note: Section 12, chapter 705, Oregon Laws 2013, provides:

Sec. 12. (1) Notwithstanding any other provision of law, the State Treasurer may not issue any bond to finance the Oregon Convention Center hotel project unless the following conditions are met no later than March 31, 2015:

(a) An intergovernmental agreement has been signed to dedicate site-specific local transient lodging taxes from the Oregon Convention Center hotel to support debt service on bonds for hotel construction;

(b) An agreement has been signed by Metro and a private developer for development of the Oregon Convention Center hotel; and

(c) The amount of state bond proceeds used to finance the project is estimated in public documents to be less than 5 percent of total project cost.

(2) As used in this section, “Metro” means the metropolitan service district organized under ORS chapter 268. [2013 c.705 §12]

268.500 Levy, collection, enforcement of ad valorem taxes; limitation; classification of property.

(1) A district may levy annually an ad valorem tax on all taxable property within its boundaries not to exceed in any one year one-half percent (0.005) of the real market value of all taxable property within the boundaries of such district, computed in accordance with ORS 308.207. The district may also annually assess, levy and collect a special tax upon all such property in an amount sufficient to pay the yearly interest on bonds previously issued by the district and then outstanding, together with any portion of the principal of such bonds maturing within the year. The special tax shall be applied only in payment of the interest and principal of bonds issued by the corporation, but the corporation may apply any funds it may have toward the payment of principal and interest of any such bonds.

(2) Such taxes shall be levied in each year and returned to the county officer whose duty it is to extend the tax levy by the time required by law for city taxes to be levied and returned. All taxes levied by the district shall become payable at the same time and be collected by the same officer who collects county taxes and shall be turned over to the district according to law. The county officer whose duty it is to extend the county levy shall extend the levy of the district in the same manner as city taxes are extended. Property shall be subject to sale for nonpayment of taxes levied by the corporation in like manner and with like effect as in the case of county and state taxes.

(3) In taxation a district may classify property on the basis of services received from the district and prescribe different tax rates for the different classes of property. [1969 c.700 §17; 1987 c.816 §1; 1991 c.459 §369; 1993 c.18 §48; 1997 c.833 §25; 1999 c.21 §5]

268.503 Vehicle registration fees. Subject to ORS 801.040, 801.042, 801.237 and 803.445, for the purpose of providing any service that the district, as defined in ORS 801.237, has power to provide, the district may impose registration fees on vehicles under ORS 803.445. [1989 c.864 §13; 2009 c.865 §40c]

268.505 Income tax; rate limitation; elector approval required. (1) Subject to the provisions of a

district charter, to carry out the purposes of this chapter, a district may by ordinance impose a tax:

(a) Upon the entire taxable income of every resident of the district subject to tax under ORS chapter 316 and upon the taxable income of every nonresident that is derived from sources within the district which income is subject to tax under ORS chapter 316; and

(b) On or measured by the net income of a mercantile, manufacturing, business, financial, centrally assessed, investment, insurance or other corporation or entity taxable as a corporation doing business, located, or having a place of business or office within or having income derived from sources within the district which income is subject to tax under ORS chapter 317 or 318.

(2) The rate of the tax imposed by ordinance adopted under authority of subsection (1) of this section shall not exceed one percent. The tax may be imposed and collected as a surtax upon the state income or excise tax.

(3) Any ordinance adopted pursuant to subsection (1) of this section may require a nonresident, corporation or other entity taxable as a corporation having income from activity both within and without the district taxable by the State of Oregon to allocate and apportion such net income to the district in the manner required for allocation and apportionment of income under ORS 314.280 and 314.605 to 314.675.

(4) If a district adopts an ordinance under this section, the ordinance shall be consistent with any state law relating to the same subject, and with rules and regulations of the Department of Revenue prescribed under ORS 305.620.

(5) Any ordinance adopted by the district under subsection (1) of this section shall receive the approval of the electors of the district before taking effect. [1977 c.665 §22; 1997 c.833 §17]

268.507 Excise taxes. Subject to the provisions of a district charter, a district may by ordinance impose excise taxes on any person using the facilities, equipment, systems, functions, services or improvements owned, operated, franchised or provided by the district. [1989 c.332 §§3,4; 1997 c.833 §18]

268.509 [1989 c.332 §2; repealed by 1997 c.833 §27]

268.510 [1969 c.700 §18; repealed by 1981 c.641 §9]

268.512 [1977 c.665 §23a; repealed by 1997 c.833 §27]

268.513 [1977 c.665 §16; 1979 c.804 §10; 1981 c.353 §5; 1985 c.210 §1; 1989 c.327 §2; repealed by 1997 c.833 §27]

268.514 [1989 c.327 §1; repealed by 1997 c.833 §27]

268.515 [Formerly 268.540; repealed by 1997 c.833 §27]

268.517 [1977 c.665 §15; repealed by 1997 c.833 §27]

GENERAL OBLIGATION BONDS

268.520 Authority to issue and sell general obligation bonds. (1) For the purpose of performing any service that the district has power to perform, the district, when authorized at any properly called election held for such purpose, shall have the power to borrow money by the issuance and sale of general obligation bonds. Such bonds shall never exceed in the aggregate 10 percent of the real market value of all taxable property within the district computed in accordance with ORS 308.207. The bonds shall be so conditioned that the district shall promise and agree therein to pay the bearer at a place named therein,

the principal sum with interest at a rate named therein payable semiannually in accordance with the tenor and terms of the interest coupons attached. The bonds shall mature serially not to exceed 30 years from the date of issue.

(2) All general obligation bonds shall be issued as prescribed in ORS chapter 287A. [1969 c.700 §19; 1977 c.782 §7; 1983 c.347 §21; 1991 c.459 §370; 2007 c.783 §87]

268.525 Refunding bonds. Refunding bonds of the same character and tenor as those replaced thereby may be issued pursuant to a resolution adopted by the district governing body without submitting to the electors the question of authorizing the issuance of the bonds. [1969 c.700 §19a]

268.530 Bond elections. Elections for the purpose of voting on the question of borrowing funds by issuance and sale of general obligation bonds shall be called by the governing body. [1969 c.700 §20; 1971 c.647 §63a; 1977 c.782 §8]

268.540 [1969 c.700 §§16,21,22; 1977 c.95 §5; renumbered 268.515]

REVENUE BONDS

268.590 Credit enhancement of district bonds and other obligations. (1) As used in ORS 268.600 to 268.660:

(a) “Credit enhancement agreement” means the agreement pursuant to which a credit enhancement device is provided, given or issued.

(b) “Credit enhancement device” means any letter of credit, line of credit, municipal bond insurance or other device given or provided as security for the payment of the principal of, premium, if any, or interest on revenue bonds or bond anticipation notes issued under ORS 268.600 to 268.660 or as security for the payment or performance of any of the district’s obligations under or with respect to such revenue bonds or bond anticipation notes.

(c) “Credit enhancement provider” means the person or entity providing or issuing a credit enhancement device.

(2) In connection with the issuance of revenue bonds or bond anticipation notes under ORS 268.600 to 268.660, a district may arrange for a credit enhancement device to be given, issued or provided as security for the payment of the principal of, premium, if any, or interest on such revenue bonds or bond anticipation notes or as security for the payment or performance of the district’s obligations under or with respect thereto.

(3) A district may enter into a credit enhancement agreement with a credit enhancement provider setting forth the respective rights, duties and obligations of the district and the credit enhancement provider under or with respect to such credit enhancement device, which agreement may contain such terms, covenants and conditions as shall be approved by the governing body of the district and which are not inconsistent with the provisions of ORS 268.600 to 268.660.

(4) The obligations of the district under or with respect to any credit enhancement device or credit enhancement agreement shall not in any manner or to any extent be general obligations of the district nor a charge upon any other revenues or property of the district not specifically pledged thereto.

(5) In the ordinance authorizing the issuance of revenue bonds or bond anticipation notes under ORS 268.600 to 268.660, the governing body may pledge as security for the payment or performance of the district’s obligations under or with respect to the related credit enhancement device or credit enhancement agreement all or any portion of the district’s revenues, regardless of the source from which derived, then existing or which thereafter come into existence. In addition, in such ordinance the governing body may pledge or mortgage as security for the payment or performance of its obligations under or with respect to such credit enhancement device or credit enhancement agreement any property of the district. Any such pledge or mortgage of revenues or other property may be on such terms as the governing body shall determine, including but not limited to a pledge or mortgage on a parity basis with

the pledge or mortgage of such revenues or other property as security for revenue bonds or bond anticipation notes issued under ORS 268.600 to 268.660 or on a subordinated basis. In the ordinance creating such pledge or mortgage, the district may reserve the right to pledge or mortgage from time to time on a parity or subordinated basis all or any part of such pledged or mortgaged revenues or other property as security for the payment or performance of the district's obligations under or with respect to any one or more series of revenue bonds or bond anticipation notes or credit enhancement device or credit enhancement agreement thereafter issued, given, provided or entered into by the district. [1987 c.623 §7]

268.600 Issuance of revenue bonds; use of proceeds; status of bonds. For the purpose of carrying into effect all or any of the powers granted to metropolitan service districts, a district may from time to time issue and sell revenue bonds without the necessity of the electors of a district authorizing the bonds. Proceeds from the sale of such bonds may be used to cover the costs incurred in issuing such bonds, and preliminary work incident to carrying out such purposes and powers, including but not limited to planning, engineering, inspection, accounting, fiscal, legal and trustee expenses, the costs of issuance of bonds, engraving, printing, advertising and other similar expenses, and to pay interest on the outstanding bonds issued for any project during the period of actual construction and for such period thereafter as a district may determine, and to establish, maintain or increase any reserves for debt service on the bonds. Such revenue bonds shall not in any manner or to any extent be a general obligation of a district nor a charge upon any other revenues or property of a district not specifically pledged thereto. A district may issue revenue bonds pursuant to ORS 268.600 to 268.660 for the purpose of financing landfills, transfer facilities, resource recovery facilities and other improvements, facilities and equipment necessary or desirable for the solid and liquid waste disposal system of the district regardless of whether such improvements, facilities or equipment are to be owned by the district or any other public or private agency or person and regardless of whether such improvements, facilities or equipment are to be located within or without the district. In connection with the issuance of revenue bonds to finance any such improvements, facilities or equipment which are to be owned by any other public or private agency or person, the district shall enter into a lease-purchase, installment sale or loan agreement with such public or private agency or person providing for lease-purchase, installment sale or loan payments which, together with other revenues pledged for the payment of such revenue bonds as provided in ORS 268.610, shall be sufficient to pay when due the principal of, premium, if any, and interest on such revenue bonds. [1977 c.95 §9; 1987 c.623 §1]

268.610 Ordinance authorizing revenue bonds; content; special trust funds; trustees; enforcement. (1) Revenue bonds issued under ORS 268.600 to 268.660 shall be authorized at a meeting by ordinance of the governing body. The ordinance may provide for the creation of special trust funds and may authorize the appointment of a trustee to administer the funds, and may obligate a district to set aside and pay into a special trust fund for the purpose of securing revenue bonds, all or any portion of its revenues, regardless of the source from which derived, then existing or which thereafter come into existence. The governing body may, in addition thereto, pledge or mortgage for the payment of the principal of and interest on and premium, if any, of any issue of such bonds any property of a district. Notice that action upon the bond ordinance will be taken at the designated meeting of the governing body, shall be given for a period of not less than two consecutive weeks, prior to such meeting, by publication thereof once each week in a newspaper of general circulation, published within the corporate boundaries of the district or, if there be no such newspaper, by posting such notice for a period of not less than two weeks in three public places in the district.

(2) The money in a special trust fund created by an ordinance authorizing an issue of revenue bonds shall be used solely for the purposes provided therefor by the ordinance.

(3) The ordinance may obligate the district, and the district shall have power to fix, levy and collect such rates, rentals, fees and other charges for the use and services of all or any of its facilities, which revenues may be pledged to the payment of the principal of and interest on and premium, if any, of the

revenue bonds or any of them and if so pledged shall be sufficient to produce revenues, along with other lawfully available funds, adequate to pay the costs of the operation, maintenance and repair of any or all district properties; to pay or provide for the payment of the principal of and interest on, and premium, if any, of such revenue bonds or any of them, including any reserves for such payment; and to produce such additional amount of revenues therefrom as the district may covenant with the holders of such revenue bonds.

(4) The ordinance may provide that in the event the money in a special trust fund is insufficient to pay the revenue bonds to be paid out of the fund, such revenue bonds shall be payable out of any part or all of other nonpledged revenues of the district. Whenever all bonds and expenses thereof have been paid so that no charge remains upon such special fund, the governing body may, by ordinance, transfer any balance remaining in such fund to its general fund, discharge the trustee, if any, and dissolve the special fund. Any trustee authorized to administer the fund may, subject to approval of the governing body, invest and reinvest moneys in the special fund in any security or securities in which the State of Oregon may by law invest.

(5) If the governing body fails to set aside and pay revenues into a special trust fund as required by the ordinance authorizing the issuance and sale of the bonds secured by the fund, a holder of any of such bonds may bring suit against the district to compel compliance with the provisions of the ordinance in the circuit court of the county in which the district has its principal office.

(6) In the ordinance authorizing the issuance of revenue bonds under ORS 268.600 to 268.660 and pledging all or any portion of the district's revenues to the payment of such revenue bonds:

(a) The district may reserve the right to pledge from time to time on a parity basis all or any part of such pledged revenues as security for any one or more series of revenue bonds thereafter issued by the district, and in the event the right so reserved by the district is exercised all revenue bonds secured by such pledged revenues shall be equally and ratably secured thereby without preference or priority of any kind of any bond or series of bonds secured thereby over any other bond or series of bonds secured thereby; and

(b) The district may reserve the right to pledge from time to time on a subordinated basis all or any part of such pledged revenues as security for any one or more series of revenue bonds thereafter issued by the district.

(7) Any pledge of revenues by a district made pursuant to this section or ORS 268.590 shall be valid, binding and fully perfected from and after the date of issuance of the revenue bonds secured thereby and the revenues pledged shall be immediately subject to the lien of such pledge without the physical delivery thereof, the filing of any notice or any further act. The lien of any such pledge shall be valid, binding and fully perfected against all persons having claims of any kind against the district whether in tort, contract or otherwise, irrespective of whether such persons have notice thereof. [1977 c.95 §10; 1987 c.623 §2]

268.620 Form and content of bonds. The revenue bonds authorized by ORS 268.600 to 268.660 shall be issued as prescribed in ORS chapter 287A. [1977 c.95 §11; 1987 c.623 §3; 1997 c.171 §6; 2007 c.783 §88]

268.630 Borrowing in anticipation of bond sale; bond anticipation notes; content; sale of notes.

(1) A district shall have the power, at any time and from time to time after the issuance of bonds under ORS 268.600 to 268.660 have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and within the authorized maximum amount of such bond issue.

(2) Bond anticipation notes shall be issued for all moneys so borrowed under the provisions of this section. Such notes may be issued for a period not to exceed three years and may be renewed or refunded from time to time for periods of not exceeding three years, but each such note, including renewals, shall mature and be paid not later than the fifth anniversary of the date the original note was issued. Such notes

shall be authorized by ordinance of the governing body and shall be in such denomination or denominations, shall bear interest at such rate or rates approved by the governing body, shall be in such form and shall be executed in such manner, all as the governing body shall prescribe. Such notes may be sold at public or private sale in the manner and at such price or prices as the governing body shall determine, provided that if such notes be renewal notes, they may be exchanged for notes then outstanding on such terms as the governing body shall determine. [1977 c.95 §12; 1987 c.623 §4]

268.640 Sale of revenue bonds. The governing body may from time to time sell revenue bonds authorized to be issued and sold pursuant to ORS 268.600 to 268.660 at public or private sale, in the manner and at such price or prices as it shall determine. [1977 c.95 §13]

268.650 Bonds as obligation of a political subdivision. Revenue bonds, including refunding revenue bonds and bond anticipation notes issued under ORS 268.600 to 268.660, shall be considered to be bonds or obligations of a political subdivision of the State of Oregon for the purposes of all laws of the state. [1977 c.95 §14; 1987 c.623 §5]

268.660 Effect of ORS 268.600 to 268.660. ORS 268.600 to 268.660 are additional, alternative and supplemental authority for a district and shall not abrogate any power, right or authority otherwise granted by law to a district. [1977 c.95 §15]

268.700 [1969 c.700 §29; repealed by 1971 c.727 §203]

DISTRICT CHARTER

268.710 Electors of county may adopt, amend, revise or repeal district charter; limitation on certain actions. (1) The electors of any metropolitan service district, by majority vote of such electors voting thereon at any legally called election, may adopt, amend, revise or repeal a charter for the district. The charter, or legislation passed by the district pursuant thereto, shall provide a method whereby the electors of the district, by majority vote of such electors voting thereon at any legally called election, may amend, revise or repeal the charter.

(2) Provisions of a district charter and district legislation that relate to the amendment, revision or repeal of a district charter are matters of metropolitan concern and shall prevail over conflicting provisions of state law that are first effective after January 1, 1999, unless such law specifically provides otherwise. After January 1, 1997, no person may commence or maintain an action to challenge the validity of a district charter existing and effective on January 1, 1997, on the basis of inconsistency or conflict between the district charter and ORS 268.030, 268.300, 268.310, 268.317, 268.318, 268.320, 268.330, 268.340, 268.345, 268.357, 268.360, 268.370, 268.500, 268.505, 268.507, 268.520, 268.525, 268.530, 268.590, 268.600 to 268.660 and 268.990. To the extent that provisions of a district charter limit the exercise of a power granted by the statutes listed in this subsection, the provisions of the district charter shall be given full force and effect. In addition to any authority expressly granted to a metropolitan service district by the Legislative Assembly, a district charter is an independent grant of authority by the affected electorate pursuant to section 1 (5), Article IV and section 2, Article XI of the Oregon Constitution.

(3) A charter of a metropolitan service district shall prescribe the organization of the district government and shall provide directly, or by its authority, for the number, election or appointment, qualifications, tenure, compensation, powers and duties of such officers as the district considers necessary. Such officers shall among them exercise all the powers and perform all the duties, as granted to, imposed upon or distributed among district officers by the Constitution or laws of this state, by the district charter or by its authority.

(4) Any reference to the executive officer of a metropolitan service district in statutes of this state

relating to elections or government ethics shall be construed to include any district officer who serves in an elective office and performs executive functions. Any reference in a district charter to a district court judge may be construed as referring to a judge of the circuit court.

(5) As used in this section, “legally called election” means an election held on the same date as a primary election or general election held throughout this state.

(6) Consistent with ORS 197.013, the land use planning authority granted to a district under ORS chapter 268 is a matter of statewide concern. Provisions of a district charter and implementing ordinances adopted and effective on January 1, 1997, that establish procedural requirements relating to the exercise of land use planning authority of the district, including but not limited to requirements for local government advisory committees, are supplementary to ORS 268.380, 268.385, 268.390 and ORS chapter 197. After January 1, 1997, no person may commence or maintain an action to challenge the validity of such district charter provisions or implementing ordinances on the basis of inconsistency or conflict with the procedural requirements of ORS 268.380, 268.385 or 268.390 or the procedural requirements of ORS chapter 197 existing on January 1, 1997.

(7) If a district charter is repealed, the provisions of the charter providing for district officers, their powers and duties and the election of such officers shall continue in effect until the Legislative Assembly provides by law for the restructuring or dissolution of the district. [1991 c.72 §1; 1995 c.712 §102; 1997 c.833 §19]

Note: 268.710 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 268 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

268.715 [1991 c.72 §2; repealed by 1997 c.833 §27]

268.720 [1991 c.72 §3; repealed by 1997 c.833 §27]

268.725 [1991 c.72 §4; repealed by 1997 c.833 §27]

268.730 [1991 c.72 §5; repealed by 1997 c.833 §27]

268.735 [1991 c.72 §8; repealed by 1997 c.833 §27]

268.740 [1991 c.72 §7; repealed by 1997 c.833 §27]

PENALTIES

268.990 Penalties. Violation of any ordinance, rule or regulation adopted by a district is a Class C misdemeanor. [1969 c.700 §25; 2011 c.597 §175]

CHAPTER 269

[Reserved for expansion]



METRO

PEOPLE PLACES
OPEN SPACES

METRO CHARTER

Effective January 8, 2015

Filed by the Metro Charter Committee with the elections officer of the Portland area metropolitan service district, pursuant to ORS 268.730 approved by district voters at the November 7, 1992 general election; as amended by district voters at the November 7, 2000 general election; and amended by the district voters at the May 21, 2002 primary election; and amended by district voters at the November 4, 2014 general election.

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PREAMBLE

We, the people of the Portland area metropolitan service district, in order to establish an elected, visible and accountable regional government that is responsive to the citizens of the region and works cooperatively with our local governments; that undertakes, as its most important service, planning and policy making to preserve and enhance the quality of life and the environment for ourselves and future generations; and that provides regional services needed and desired by the citizens in an efficient and effective manner, do ordain this charter for the Portland area metropolitan service district, to be known as Metro.

CHAPTER I NAMES AND BOUNDARIES

Section 1. Title of Charter. The title of this charter is the 1992 Metro Charter.

Section 2. Name of Regional Government. The Portland area metropolitan service district, referred to in this charter as the "Metropolitan Service District," continues under this charter as a metropolitan service district with the name "Metro."

Section 3. Boundaries. The Metro Area of governance includes all territory within the boundaries of the Metropolitan Service District on the effective date of this charter and any territory later annexed or subjected to Metro governance under state law. This charter refers to that area as the "Metro Area." Changes of Metro boundaries are not effective unless approved by ordinance. No change of Metro boundaries requires approval by a local government boundary commission or any other state agency unless required by law. The custodian of Metro records shall keep an accurate description of Metro boundaries and make it available for public inspection.

CHAPTER II FUNCTIONS AND POWERS

Section 4. Jurisdiction of Metro. Metro has jurisdiction over matters of metropolitan concern. Matters of metropolitan concern include the powers granted to and duties imposed on Metro by current and future state law and those matters the Council by ordinance determines to be of metropolitan concern. The Council shall specify by ordinance the extent to which Metro exercises jurisdiction over matters of metropolitan concern.

Section 5. Regional Planning Functions.

(1) Future Vision.

(a) Adoption. The Council shall adopt a Future Vision for the region between January 15, 1995 and July 1, 1995. The Future Vision is a conceptual statement that indicates population levels and settlement patterns that the region can accommodate within the carrying capacity of the land, water and air resources of the region, and its educational and economic

resources, and that achieves a desired quality of life. The Future Vision is a long-term, visionary outlook for at least a 50-year period. As used in this section, “region” means the Metro Area and adjacent areas.

(b) Matters Addressed. The matters addressed by the Future Vision include but are not limited to: (1) use, restoration and preservation of regional land and natural resources for the benefit of present and future generations; (2) how and where to accommodate the population growth for the region while maintaining a desired quality of life for its residents; and (3) how to develop new communities and additions to the existing urban areas in well-planned ways.

(c) Development. The Council shall appoint a commission to develop and recommend a proposed Future Vision by a date the Council sets. The commission shall be broadly representative of both public and private sectors, including the academic community, in the region. At least one member must reside outside the Metro Area. The commission has authority to seek any necessary information and shall consider all relevant information and public comment in developing the proposed Future Vision. The commission serves without compensation.

(d) Review and Amendment. The Future Vision may be reviewed and amended as provided by ordinance. The Future Vision shall be completely reviewed and revised at least every fifteen years in the manner specified in subsection (1)(c) of this section.

(e) Effect. The Future Vision is not a regulatory document. It is the intent of this charter that the Future Vision have no effect that would allow court or agency review of it.

(2) Regional Framework Plan.

(a) Adoption. The Council shall adopt a regional framework plan by December 31, 1997 with the consultation and advice of the Metro Policy Advisory Committee (MPAC) created under Section 26 of this charter. The Council may adopt the regional framework plan in components.

(b) Matters Addressed. The regional framework plan shall address: (1) regional transportation and mass transit systems; (2) management and amendment of the urban growth boundary; (3) protection of lands outside the urban growth boundary for natural resource, future urban or other uses; (4) housing densities; (5) urban design and settlement patterns; (6) parks, open spaces and recreational facilities; (7) water sources and storage; (8) coordination, to the extent feasible, of Metro growth management and land use planning policies with those of Clark County, Washington; and (9) planning responsibilities mandated by state law. The regional framework plan shall also address other growth management and land use planning matters which the Council, with the consultation and advice of the MPAC, determines are of metropolitan concern and will benefit from regional planning. To encourage regional uniformity, the regional framework plan shall also contain model terminology, standards and procedures for local land use decision making that may be adopted by local

governments. As used in this section, “local” refers only to the cities and counties within the jurisdiction of Metro.

(c) Effect. The regional framework plan shall: (1) describe its relationship to the Future Vision; (2) comply with applicable statewide planning goals; (3) be subject to compliance acknowledgment by the Land Conservation and Development Commission or its successor; and (4) be the basis for coordination of local comprehensive plans and implementing regulations.

(d) Amendment. The Council may amend the regional framework plan after seeking the consultation and advice of the MPAC.

(e) Implementation. To the maximum extent allowed by law, the Council shall adopt ordinances: (1) requiring local comprehensive plans and implementing regulations to comply with the regional framework plan within three years after adoption of the entire regional framework plan. If the regional framework plan is subject to compliance acknowledgment, local plans and implementing regulations shall be required to comply with the regional framework plan within two years of compliance acknowledgment; (2) requiring the Council to adjudicate and determine the consistency of local comprehensive plans with the regional framework plan; (3) requiring each city and county within the jurisdiction of Metro to make local land use decisions consistent with the regional framework plan until its comprehensive plan has been determined to be consistent with the regional framework plan. The obligation to apply the regional framework plan to local land use decisions shall not begin until one year after adoption and compliance acknowledgment of the regional framework plan; and (4) allowing the Council to require changes in local land use standards and procedures if the Council determines changes are necessary to remedy a pattern or practice of decision making inconsistent with the regional framework plan.

(3) Priority and Funding of Regional Planning Activities. The regional planning functions under this section are the primary functions of Metro. The Council shall appropriate funds sufficient to assure timely completion of those functions.

(4) Protection of Livability of Existing Neighborhoods.

(a) Livability Protection. The Regional Framework Plan shall include measures to protect the livability of existing neighborhoods taking into consideration air pollution, water pollution, noise, and crime as well as provision of an adequate level of police, fire, transportation and emergency services, public utilities, and access to parks, open space and neighborhood services.

(b) Density Increase Prohibited. Neither the Regional Framework Plan nor any Metro ordinance adopted to implement the plan shall require an increase in the density of

single-family neighborhoods within the existing urban growth boundary identified in the plan solely as Inner or Outer Neighborhoods.¹

(c) Report on Effects of Proposed Urban Growth Boundary Amendment.

Prior to approving any amendment or amendments of the urban growth boundary in excess of 100 acres the Council shall prepare a report on the effect of the proposed amendments on existing residential neighborhoods. Copies of the completed report shall be provided to all households located within one mile of the proposed urban growth boundary amendment area and to all cities and counties within the district. The report shall address:

- i. Traffic patterns and any resulting increase in traffic congestion, commute times and air quality.
- ii. Whether parks and open space protection in the area to be added will benefit existing residents of the district as well as future residents of the added territory.
- iii. The cost impacts on existing residents of providing needed public services and public infrastructure to the area to be added.

(d) Implementation. The Metro Council shall implement the requirements contained in Subsections a, b, and c within one year of adoption thereof.

Section 6. Other Assigned Functions. Metro is also authorized to exercise the following functions: (1) Acquisition, development, maintenance and operation of: (a) a metropolitan zoo, (b) public cultural, trade, convention, exhibition, sports, entertainment, and spectator facilities, (c) facilities for the disposal of solid and liquid wastes, and (d) a system of parks, open spaces and recreational facilities of metropolitan concern; (2) disposal of solid and liquid wastes; (3) metropolitan aspects of natural disaster planning and response coordination; (4) development and marketing of data; and (5) any other function required by state law or assigned to the Metropolitan Service District or Metro by the voters.

Section 7. Assumption of Additional Functions.

(1) Assumption Ordinance. The Council shall approve by ordinance the undertaking by Metro of any function not authorized by Sections 5 and 6 of this charter. The ordinance shall

-
- ¹ (a) Subsection 4(b) of Section 5 of the Metro Charter is repealed on June 30, 2031 unless at the general election held in 2030, a majority of the electors voting on the question of whether or not to retain Subsection 4(b) of Section 5 of the Metro Charter as part of the Metro Charter vote to retain the subsection. If the electors vote to retain the subsection, Subsection 4(b) of Section 5 of the Metro Charter of this measure shall remain in effect. If a majority of the electors do not vote to retain Subsection 4(b) of Section 5 of the Metro Charter, then that subsection is repealed on June 30, 2031.
- (b) By appropriate action of the Metro Council, the question described in subsection (a) of this section shall be submitted to the people for their decision at the general election held in 2030.
- (c) This section is repealed on January 1, 2032.

contain a finding that the function is of metropolitan concern and the reasons it is appropriate for Metro to undertake it.

(2) Assumption of Local Government Service Function.

(a) An ordinance authorizing provision or regulation by Metro of a local government service is not effective unless the ordinance is approved by the voters of Metro or a majority of the members of the MPAC. Voter approval may occur by approval of a referred measure (1) authorizing the function or (2) relating to finances and authorizing financing or identifying funds to be used for exercise of the function. As used in this section, "local government service" is a service provided to constituents by one or more cities, counties or special districts within the jurisdiction of Metro at the time a Metro ordinance on assumption of the service is first introduced.

(b) An ordinance submitted to the MPAC for approval is deemed approved unless disapproved within 60 days after submission.

(c) No approval under this subsection is required for the compensated provision of services by Metro to or on behalf of a local government under an agreement with that government.

(3) Assumption of Other Service Functions. The Council shall seek the advice of the MPAC before adopting an ordinance authorizing provision or regulation by Metro of a service, which is not a local government service.

(4) Assumption of Functions and Operations of Mass Transit District. Notwithstanding subsection (2) of this section, Metro may at any time assume the duties, functions, powers and operations of a mass transit district by ordinance. Before adoption of this ordinance the Council shall seek the advice of the Joint Policy Advisory Committee on Transportation or its successor. After assuming the functions and operations of a mass transit district, the Council shall establish a mass transit commission of not fewer than seven members and determine its duties in administering mass transit functions for Metro. The members of the governing body of the mass transit district at the time of its assumption by Metro are members of the initial Metro mass transit commission for the remainder of their respective terms of office.

(5) Boundary Commission Functions. The Council shall undertake and complete a study of the Portland Metropolitan Area Local Government Boundary Commission, with advice of the MPAC, by September 1, 1995. The Council shall implement the results of the study and shall seek any legislative action needed for implementation.

Section 8. Preservation of Authority to Contract. All Metro officers shall preserve, to the greatest extent possible, the ability of Metro to contract for all services with persons or entities who are not Metro employees.

Section 9. General Grant of Powers to Carry Out Functions; Construction of Specified Powers. When carrying out the functions authorized or assumed under this charter: (1) Metro has all powers that the laws of the United States and this state now or in the future could allow Metro just as if this charter specifically set out each of those powers; (2) the powers specified in this charter are not exclusive; (3) any specification of power in this charter is not intended to limit authority; and (4) the powers specified in this charter shall be construed liberally.

CHAPTER III FINANCE

Section 10. General Authority. Except as prohibited by law or restricted by this charter, Metro may impose, levy and collect taxes and may issue revenue bonds, general and special obligation bonds, certificates of participation and other obligations. The authority provided under this section supplements any authority otherwise granted by law.

Section 11. Voter Approval of Certain Taxes. Any ordinance of the Council imposing broadly based taxes of general applicability on the personal income, business income, payroll, property, or sales of goods or services of all, or a number of classes of, persons or entities in the region requires approval of the voters of Metro before taking effect. This approval is not required (1) to continue property taxes imposed by the Metropolitan Service District, (2) for the rate or amount of any payroll tax imposed by a mass transit district as of June 1, 1992, if the functions of that district are assumed by Metro, or (3) for additional payroll tax revenues for mass transit imposed to replace revenues lost by withdrawal of any locality from the service area of the mass transit district after June 1, 1992. For purposes of Sections 11, 13 and 14 of this charter, "taxes" do not include any user charge, service fee, franchise fee, charge for the issuance of any franchise, license, permit or approval, or any benefit assessment against property.

Section 12. Voter Approval of General Obligation Bonds. Issuance of general obligation bonds payable from ad valorem property taxes requires the approval of the voters of Metro.

Section 13. Prior Consultation for Tax Imposition. Before imposing any new tax for which voter approval is not required, the Council shall establish and seek the advice of a tax study committee that includes members appointed from the general population, and from among businesses and the governments of cities, counties, special districts and school districts, of the Metro Area.

Section 14. Limitations on Expenditures of Certain Tax Revenues.

(1) Generally. Except as provided in this section, for the first fiscal year after this charter takes effect Metro may make no more than \$12,500,000 in expenditures on a cash basis from taxes imposed and received by Metro and interest and other earnings on those taxes. This expenditure limitation increases in each subsequent fiscal year by a percentage equal to (a) the rate of increase in the Consumer Price Index, All Items, for Portland-Vancouver (All Urban Consumers) as determined by the appropriate federal agency or (b) the most nearly equivalent

index as determined by the Council if the index described in (a) is discontinued.

(2) Exclusions From Limitation. This section does not apply to (a) taxes approved by the voters of Metro or the Metropolitan Service District and interest and other earnings on those taxes, (b) payroll taxes specified in Section 11 of this charter, and (c) tax increment financing charges on property.

Section 15. Limitations on Amount of User Charges. Except to the extent receipts in excess of costs from food and beverage sales, parking and other concessions are dedicated to reducing charges for the provision of goods or services to which the concession directly relates, charges for the provision of goods or services by Metro may not exceed the costs of providing the goods or services. These costs include, but are not limited to, costs of personal services, materials, capital outlay, debt service, operating expenses, overhead expenses, and capital and operational reserves attributable to the good or service.

CHAPTER IV FORM OF GOVERNMENT

Section 16. Metro Council.

(1) Creation and Powers. The Metro Council is created as the governing body of Metro. Except as this charter provides otherwise, and except for initiative and referendum powers reserved to the voters of Metro, all Metro powers are vested in the Council.

(2) Composition. Beginning January 6, 2003, the Council consists of seven (7) councilors, one of whom shall be elected at large and designated President of the Council and six (6) each nominated and elected from a single district within the Metro Area. Until that date the Council consists of the seven (7) members of the Metro Council whose terms begin or continue in January 2001 and whose districts continue until replaced.

(3) Initial Terms of Office. The terms of office of the four Councilors receiving the highest number of votes among the seven Councilors elected in 1994 end January 4, 1999. The terms of office of the other three Councilors end January 6, 1997. Thereafter the term of office of Councilor is four years.

(4) Presiding Officer, Council President.

(a) Presiding Officer. At its first meeting each year before 2003, the Council shall elect a presiding officer from its Councilors.

(b) Council President. The Council President presides over the Council. The Council President sets the Council agenda subject to general rules established by a Council adopted ordinance. Except as provided otherwise by the Metro Charter, the Council President appoints all members of the committees, commissions and boards created by the rules of the Council and ordinances of Metro.

(5) Annual Organizing Resolution. At the first Council meeting each January the Council shall adopt an annual organizing resolution naming a deputy and establishing such committees as the Council deems necessary for the orderly conduct of Council business.

(6) Council Meetings. The Council shall meet regularly in the Metro Area at times and places it designates. The Council shall prescribe by ordinance the rules to govern conduct of its meetings. Except as this charter provides otherwise, the agreement of a majority of Councilors present and constituting a quorum is necessary to decide affirmatively a question before the Council.

(7) Quorum. A majority of Councilors in office is a quorum for Council business, but fewer Councilors may compel absent Councilors to attend.

(8) Record of Proceedings. The Council shall keep and authenticate a record of Council proceedings.

Section 17. Metro Auditor.

(1) Creation. The office of Metro Auditor is created. The Auditor is elected from the Metro Area at large for a term of four years. The Auditor serves full time and may not be employed by any other person or entity while serving as Auditor.

(2) First Election; Disqualification for Other Metro Elected Offices. The Auditor is first elected in the first statewide primary or general election after adoption of this charter for a term beginning January 2, 1995. During the term for which elected, and for four years thereafter, the Auditor is ineligible to hold the office of Metro Councilor.

(3) Duties. The Auditor shall: (a) make continuous investigations of the operations of Metro including financial and performance auditing and review of financial transactions, personnel, equipment, facilities, and all other aspects of those operations, and (b) make reports to the Metro Council of the results of any investigation with any recommendations for remedial action. Except as provided in this section, the Auditor may not be given responsibility to perform any executive function.

Section 18. Term of Office. The term of office of an officer elected at a primary or general election begins the first Monday of the year following election and continues until a successor assumes the office.

CHAPTER V
OFFICERS, COMMISSIONS AND EMPLOYEES

Section 19. Qualifications of Elected Officers.

(1) Councilor. A Councilor shall be a qualified elector under the constitution of this state when his or her term of office begins and shall have resided during the preceding 12 months in the district from which elected or appointed. When the boundaries of that district have been apportioned or reapportioned during that period, residency in that district for purposes of this subsection includes residency in any former district with area in the district from which the Councilor is elected or appointed if residency is established in the apportioned or reapportioned district within 60 days after the apportionment or reapportionment is effective.

(2) Council President and Auditor. The Council President and Auditor shall each be a qualified elector under the constitution of this state when his or her term of office begins and shall have resided during the preceding 12 months within the boundaries of Metro as they exist when the term of office begins. At the time of election or appointment, the Auditor shall also hold the designation of certified public accountant or certified internal auditor.

(3) Multiple Elected Offices. A Metro elected officer may not be an elected officer of the state, or a city, county or special district during his or her term of office. As used in this charter, special district does not include school districts.

(4) Judging Elections and Qualifications. The Council is the judge of the election and qualification of its members.

Section 20. Compensation of Elected Officers.

(1) Council. Prior to 2003, the salary of the presiding officer is two-thirds the salary of a circuit court judge of this state and the salary of every other Councilor is one-third the salary of a circuit court judge of this state. Beginning January 6, 2003, the salary of the Council President shall be that of a circuit court judge of this state and the salary of every other Councilor is one-third the salary of a circuit court judge. A Councilor may waive a salary.

(2) Auditor. The salary of the Auditor is eighty percent of the salary of a circuit court judge of this state.

(3) Full Compensation. Elected officers' compensation, as established by this charter, shall be the elected officers' full and exclusive compensation for their duties as Metro officers or for any duties or responsibilities resulting from their position. This section does not preclude elected officers from receiving ordinary employee fringe benefits or being reimbursed for any actual and reasonable expenses incurred by an elected officer in the course of performing official duties.

Section 21. Oath. Before assuming office a Metro elected officer shall take an oath or affirm that he or she will faithfully perform the duties of the office and support the constitutions and laws of the United States and this state and the charter and laws of Metro.

Section 22. Vacancies in Office.

(1) Councilor. The office of Councilor becomes vacant upon the incumbent's: (a) death, (b) adjudicated incompetency, (c) recall from office, (d) failure following election or appointment to qualify for the office within 10 days after the time for his or her term of office to begin, (e) absence from all meetings of the Council within a 60 day period without the Council's consent, (f) ceasing to reside in the district from which elected or appointed, except when district boundaries are reapportioned and a Councilor is assigned to a district where the Councilor does not reside and the Councilor becomes a resident of the reapportioned district within 60 days after the reapportionment is effective, (g) ceasing to be a qualified elector under state law, (h) conviction of a felony or conviction of a federal or state offense punishable by loss of liberty and pertaining to his or her office, (i) resignation from office, or (j) becoming an elected officer of the state or a city, county or special district.

(2) Council President and Auditor. The offices of Council President or Auditor become vacant in the circumstances described in subsection (1)(a)-(d) and (g)-(j) of this section, or if the Council President or Auditor ceases to reside in the Metro Area. The office of Auditor also becomes vacant if the incumbent ceases to hold the designation of certified public accountant or certified internal auditor.

(3) Vacancy After Reapportionment. If a Councilor vacancy occurs after the Councilor has been assigned to a reapportioned district under Section 31 of this charter, the vacancy is in the district to which that Councilor was assigned.

(4) Determination of Vacancy. The Council is the final judge of the existence of a vacancy.

Section 23. Filling Vacancies. A majority of Councilors holding office shall fill a vacancy by appointment within 90 days after it occurs. The term of office of the appointee runs from the time he or she qualifies for the office after appointment until a successor is duly elected and qualifies for the office. If the vacancy occurs more than 20 days before the first general election after the beginning of the term for that office, the term of office of the appointee runs only until the first Council meeting in the year immediately after that election. A person shall be elected for the remainder of the term at the first primary or general election after the beginning of the term.

Section 24. Limitations of Terms of Office. No person may be elected Councilor for more than three consecutive full terms, not including any term or terms as Council President. No person may be elected Council President for more than two consecutive full terms. Any term served as Executive Officer shall be considered as a term served as Council President. The limitations of this section apply only to terms of office beginning on or after January 2, 1995.

Section 25. Appointive Offices and Commissions.

(1) Chief Operating Officer. The Council shall provide by ordinance for the creation of the office of the Chief Operating Officer. The Chief Operating Officer's duties and responsibilities will be more specifically established by ordinance. The Council President appoints the Chief Operating Officer subject to confirmation by the Council. The Chief Operating Officer serves at the pleasure of the Council and is subject to removal by the Council President with the concurrence of the Council.

(2) Metro Attorney. The Council shall provide by ordinance for the creation of the office of Metro Attorney. The Council President appoints the Metro Attorney subject to the confirmation by the Council. The Metro Attorney serves at the pleasure of the Council and is subject to removal by the Council President with the concurrence of the Council.

(3) Other Offices. The Council may provide by ordinance for the creation of other offices not subordinate to the Chief Operating Officer. The duties and responsibilities of these offices will be more specifically established by ordinance. The Council President appoints all other officers subject to confirmation by the Council. All other officers serve at the pleasure of the Council and are subject to removal by the Council President with the concurrence of the Council.

(4) Commissions. The Council may by ordinance create Commissions with duties and responsibilities as specified by the Council. The Council President appoints all Commissioners subject to confirmation by the Council. Commissioners serve at the pleasure of the Council and are subject to removal by the Council President with the concurrence of the Council.

Section 26. Metro Policy Advisory Committee.

(1) Creation and Composition. The Metro Policy Advisory Committee (MPAC) is created. The initial members of the MPAC are:

(a) One member of each of the governing bodies of Washington, Clackamas and Multnomah Counties appointed by the body from which the member is chosen;

(b) Two members of the governing body of the City of Portland appointed by that governing body;

(c) One member of the governing body of the second largest city in population in Multnomah County appointed by that governing body;

(d) One member of the governing body of the largest city in population in Washington County appointed by that governing body;

(e) One member of the governing body of the largest city in population in Clackamas County appointed by that governing body;

(f) One member of a governing body of a city with territory in the Metro Area in Multnomah County other than either the City of Portland or the second largest city in population in Multnomah County, appointed jointly by the governing bodies of cities with territory in the Metro Area in Multnomah County other than the City of Portland or the second largest city in population in Multnomah County;

(g) One member of a governing body of a city with territory in the Metro Area in Washington County other than the city in Washington County with the largest population, appointed jointly by the governing bodies of cities with territory in the Metro Area in Washington County other than the city in Washington County with the largest population;

(h) One member of a governing body of a city with territory in the Metro Area in Clackamas County other than the city in Clackamas County with the largest population, appointed jointly by the governing bodies of cities with territory in the Metro Area in Clackamas County other than the city in Clackamas County with the largest population;

(i) One member from the governing body of a special district with territory in the Metro Area in Multnomah County appointed jointly by the governing bodies of special districts with territory in the Metro Area in Multnomah County;

(j) One member from the governing body of a special district with territory in the Metro Area in Washington County appointed jointly by the governing bodies of special districts with territory in the Metro Area in Washington County;

(k) One member from the governing body of a special district with territory in the Metro Area in Clackamas County appointed jointly by the governing bodies of special districts with territory in the Metro Area in Clackamas County;

(l) One member of the governing body of Tri-County Metropolitan Transportation District of Oregon appointed by the governing body of that district; and

(m) Three persons appointed by the Council President and confirmed by the Council. No person appointed under this part of subsection (1) may be an elected officer of or employed by Metro, the state, or a city, county or special district. Each person appointed under this part of subsection (1) shall reside in the Metro Area during the person's tenure on the MPAC.

(2) Change of Composition. A vote of both a majority of the MPAC members and a majority of all Councilors may change the composition of the MPAC at any time.

(3) Duties. The MPAC shall perform the duties assigned to it by this charter and any other duties the Council prescribes.

(4) Bylaws. The MPAC shall adopt bylaws governing the conduct and record of its meetings and the terms of its members.

Section 27. Metro Office of Citizen Involvement.

(1) Creation and Purpose. The Metro Office of Citizen Involvement is created to develop and maintain programs and procedures to aid communication between citizens and the Council.

(2) Citizens' Committee in Office of Citizen Involvement. The Council shall establish by ordinance (a) a citizens' committee in the office of citizen involvement and (b) a citizen involvement process. The Council shall appropriate sufficient funds to operate the office and committee.

CHAPTER VI
ELECTIONS AND REAPPORTIONMENT

Section 28. State Law. Except as this charter or a Metro ordinance provides otherwise, a Metro election shall conform to state law applicable to the election.

Section 29. Elections of Metro Officers.

(1) Generally. Except for certain elections to fill a vacancy in office, the first vote for Councilor, Council President or Auditor occurs at an election held at the same time and places in the Metro Area as the statewide primary election that year. If one candidate for a Metro office receives a majority of the votes cast at the primary election for all candidates for that office, that candidate is elected. If no candidate receives a majority of the votes cast at the primary election, the candidates receiving the two largest numbers of votes cast for the office are the only names to appear on the general election ballot that year as candidates for that office. The candidate who receives the largest number of votes cast at the general election for that office is elected.

(2) Nonpartisan offices. All elections of Metro officers are nonpartisan. Election ballots shall list the names of candidates for Metro offices without political party designations.

Section 30. Multiple Candidacies. No person may be a candidate at a single election for more than one Metro elected office.

Section 31. Reapportionment of Council Districts After Census.

(1) General Requirements. Within three months after an official census indicates that the boundaries of Council districts deny equal protection of the law, the Council shall change the boundaries to accord equal protection of the law and shall assign Councilors to the reapportioned districts. As nearly as practicable, all Council districts shall be of equal population and each shall be contiguous and geographically compact. The Council may by ordinance specify additional criteria for districts that are consistent with this section.

(2) Failure to Reapportion. If the Council fails to establish Council district boundaries as provided by this section, the Council President shall establish the boundaries

within 60 days.

(3) Redistricting After Year 2000 Census. Within three (3) months after completion of the year 2000 Census, the Council shall establish six (6) Council districts in a manner that accords equal protection of the law. The three (3) Councilors serving terms that expire in January 2005, shall each be assigned to one of the six (6) districts and their terms shall continue. Council members will be elected to serve four (4) year terms for the other three (3) districts in the regularly scheduled elections to be held in 2002. For the purpose of Section 33 of this charter, the seven (7) councilors in office in January 2001 shall be deemed to be serving in the districts from which they were elected until January 2003.

Section 32. Recall.

(1) Generally. An elected officer of Metro may be recalled in the manner and with the effect described by the constitution and laws of this state.

(2) Effect of Reapportionment. Upon the effective date of a Council reapportionment under Section 32 of this charter, a Councilor is subject to recall by the voters of the district to which the Councilor is assigned and not by the voters of the district of that Councilor existing before the reapportionment.

Section 33. Initiative and Referendum. The voters of Metro reserve to themselves the powers of initiative and referendum. The Council may provide for the exercise of those powers in a manner consistent with law.

Section 34. Amendment and Revision of Charter. The Council may refer, and voters of Metro may initiate, amendments to this charter. A proposed charter amendment may embrace only one subject and matters properly connected with it. The Council shall provide by ordinance for a procedure to revise this charter.

CHAPTER VII ORDINANCES

Section 35. Ordaining Clause. The ordaining clause of an ordinance adopted by the Council is: "The Metro Council ordains as follows: ." The ordaining clause of an initiated or referred ordinance is: "The People of Metro ordain as follows: ."

Section 36. Adoption by Council.

(1) General Requirements. The Council shall adopt all legislation of Metro by ordinance. Except as this charter otherwise provides, the Council may not adopt any ordinance at a meeting unless: (a) the ordinance is introduced at a previous meeting of the Council, (b) the title of the ordinance is included in a written agenda of the meeting at which the ordinance is adopted, (c) the agenda of that meeting is publicized not less than three business days nor more than ten days before the meeting, and (d) copies of the ordinance are available for public inspection at least three business days before that meeting. The text of an ordinance may be

amended, but not substantially revised, at the meeting at which it is adopted.

(2) Immediate Adoption. The provisions of this section do not apply to an ordinance adopted by unanimous consent of the Council and containing findings on the need for immediate adoption.

(3) Vote Required. Adoption of an ordinance requires the affirmative votes of (a) seven Councilors while the Council consists of 13 positions, (b) four Councilors after the Council consists of seven positions as provided by Section 16(2) of this charter.

Section 37. Endorsement. The person presiding over the Council when an ordinance is adopted shall endorse the ordinance unless the Council prescribes a different procedure by general ordinance.

Section 38. Effective Date of Ordinances.

(1) Generally. An ordinance takes effect 90 days after its adoption unless the ordinance states a different effective date. An ordinance may state an earlier effective date if (a) an earlier date is necessary for the health, safety or welfare of the Metro Area; (b) the reasons why this is so are stated in an emergency clause of the ordinance; and (c) the ordinance is approved by the affirmative vote of two-thirds of all Councilors. An ordinance imposing or changing a tax or charge, changing the boundaries of Metro, or assuming a function may not contain an emergency clause.

(2) Referred Ordinances. If the Council refers an ordinance to the voters of Metro, the ordinance effective date is the 30th day after its approval by a majority of the voters voting on the measure unless the ordinance specifies a later date. If a referendum petition is filed with the filing officer not later than the 90th day after adoption of an ordinance, the ordinance effective date is suspended. An ordinance is not subject to the referendum after it is effective. An ordinance referred by a referendum petition (a) does not take effect if a majority of the voters voting on the measure reject it and (b) takes effect, unless the ordinance specifies a later date, on the date the results of the election are certified if a majority of the voters voting on the measure approve it.

Section 39. Content of Ordinances. Each ordinance may embrace only one subject and all matters properly connected with it. The Council shall plainly word each ordinance and avoid technical terms as far as practicable.

Section 40. Public Improvements and Special Assessments. General ordinances govern the procedures for making, altering, vacating or abandoning a public improvement and for fixing, levying and collecting special assessments against real property for public improvements or services. State law governs these procedures to the extent not governed by general ordinances.

CHAPTER VIII MISCELLANEOUS PROVISIONS

Section 41. Transition Provisions. All legislation, orders, rules and regulations of the Metropolitan Service District in force when this charter takes effect remain in force after that time to the extent consistent with this charter and until amended or repealed by the Council. All rights, claims, causes of action, duties, contracts, and legal and administrative proceedings of the Metropolitan Service District that exist when this charter takes effect continue and are unimpaired by the charter. Each is in the charge of the officer or agency designated by this charter or by its authority to have charge of it. The unexpired terms of elected officers of the Metropolitan Service District continue as provided by this charter. Upon the effective date of this charter, the assets and liabilities of the Metropolitan Service District are the assets and liabilities of Metro.

Section 42. Effective Date. This charter takes effect January 1, 1993.

Section 43. Severability. The terms of this charter are severable. If a part of this charter is held invalid, that invalidity does not affect any other part of this charter unless required by the logical relation between the parts.

Section 44. State Legislation. By adopting this charter the voters of Metro direct the Council to seek, and request the Legislative Assembly of this state to enact, any legislation needed to make all parts of this charter operative.

Section 45. Further Transition Provisions. The amendments to Sections 16 (4)(b), 16 (5), 18, 20, 23, 26, 27, 28, 32 (2) and 39 adopted by the electors of Metro at the November 2000 election take effect on January 6, 2003.

Former Section 17 Metro Executive Officer [Repealed effective January 6, 2003]

Former Section 21 (2) Compensation of Elected Officers-Executive Officer [Repealed effective January 6, 2003]

November 18, 2019

Metro
600 NE Grand Avenue
Portland, OR 97232

RE: Letter of Commitment for EPA Brownfields Assessment Coalition Grant

Dear Metro Council President Peterson:

The Housing Authority of Clackamas County (HACC) will be an active member of the FY20 EPA Brownfield Grant Coalition led by Metro. HACC will work with Metro and the other Coalition partners to use grant funding to prioritize and plan for analysis, clean-up and reuse of brownfield sites. Grant funds will also enable the Coalition partner Health Departments to develop a health-focused brownfield reuse study establishing metrics and a plan for tracking revitalization outcomes using the Agency for Toxic Substances Disease Registry (ATSDR) Action Model.

EPA brownfield grant funds will help the Coalition assess and plan for safe redevelopment of brownfields with much-needed affordable housing. The brownfield grant, in conjunction with the regional Metro affordable housing bond measure approved in 2018, will catalyze developer and community support of brownfield revitalization.

We sincerely appreciate consideration of this grant application and respectfully request funding. Should you have any questions or require clarification, please feel free to contact the County's Director of Housing Development, Stephen McMurtrey; phone: 503-650-3414; email: smcmurtrey@clackamas.us.

Sincerely,



Jill C. Smith, Executive Director
Housing Authority of Clackamas County

Healthy Families. Strong Communities.



Deborah Kafoury Multnomah County Chair

501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
Phone: (503) 988-3308
Email: mult.chair@multco.us

November 14, 2019

To Whom It May Concern:

As Multnomah County Chair and a long-time supporter of the Metro Housing Bond, I offer my unequivocal support for Metro's brownfields assessment grant application.

Multnomah County will be an active member of the EPA Brownfield Grant Coalition by serving on the Brownfield Advisory Group and publicizing the availability of Brownfield Grant funds and brownfield sites that can be developed to benefit the community.

For too long, our lowest-income neighborhoods in Multnomah County have been home to a high concentration of contaminated sites. But because of this high concentration, brownfields present a unique opportunity to serve those communities by developing affordable housing instead of private development that may contribute to displacement and gentrification.

The assessment grant funding will aid in identifying feasible sites, but in combination with existing housing bond funding, it could lead to faster affordable housing development throughout the County.

I fully support this effort and look forward to contributing to its implementation.

Sincerely,

Deborah Kafoury
Multnomah County Chair



WASHINGTON COUNTY

OREGON

November 26, 2019

Metro
600 NE Grand Avenue
Portland, OR 97232

RE: Letter of Commitment for EPA Brownfields Assessment Coalition Grant

Dear Metro Council President Peterson:

The Washington County Department of Housing Services is committed to participating in a coalition with Metro and Clackamas and Multnomah Counties to redevelop brownfields with affordable housing and transit-oriented development.

The Washington County Department of Housing services will be an active member of the FY 2019 EPA Brownfield Grant Coalition by serving on the Brownfield Advisory Group and publicizing the availability of Brownfield Grant funds and brownfield sites that can be developed to benefit the community. The EPA Brownfield Assessment Grant will support the develop of much-needed transit-friendly affordable housing by allowing coalition members to reuse brownfield sites through proper analysis, planning and clean-up of potential redevelopment sites.

We enthusiastically support Metro's EPA Brownfield Assessment Grant application on behalf of the coalition of jurisdictions to further the goal of providing affordable housing in Washington County.

Sincerely,

Ruth Osuna
Deputy County Administrator

County Administrative Office

155 North First Avenue, Suite 300, MS 21, Hillsboro, OR 97124-3072
phone: 503-846-8685 • fax: 503-846-4545

Rackey, Carrie

From: Olson, Margaret <Olson.Margaret@epa.gov>
Sent: Monday, December 2, 2019 1:40 PM
To: Minor-Gordon, Jerry; Brian Harper
Cc: Griffith, Terri; Sanders-Curry, Madison; Rackey, Carrie
Subject: RE: ASAP printout for Oregon Metro grant application
Attachments: Metro Drawdowns 12-2-19.pdf

Hi Everyone,

I am Metro's Project Officer. Attached is the latest report from Compass Data Warehouse that shows as of today, \$472,472.67 has been drawn. One draw was completed since November 1st for \$6,912.55 so if you subtract this, on November 1st, Metro had drawn down \$465,560.12.

Please let me know if you need anything else,
Margaret

Margaret Olson | Environmental Engineer | Oregon Brownfields and RCRA State Coordinator
U.S. Environmental Protection Agency | Region 10
Oregon Operations Office
805 SW Broadway, Suite 500 | Portland, OR 97205
p: 503.326.5874

From: Minor-Gordon, Jerry <Minor-Gordon.Jerry@epa.gov>
Sent: Monday, December 02, 2019 1:21 PM
To: Brian Harper <Brian.Harper@oregonmetro.gov>
Cc: Olson, Margaret <Olson.Margaret@epa.gov>; Griffith, Terri <Griffith.Terri@epa.gov>; Sanders-Curry, Madison <sanders-curry.madison@epa.gov>; carrie.rackey@stantec.com
Subject: RE: ASAP printout for Oregon Metro grant application

Brian – can you please confirm the brownfields cooperative agreement number. I was unable to access any information using BF4110414.

Regards,

M. Jerry Minor-Gordon

US EPA | Office of Brownfields & Land Revitalization
Office: (202) 566-1817 | Cell: (202) 317-0090 | Email: minor-gordon.jerry@epa.gov

From: Rackey, Carrie <Carrie.Rackey@stantec.com>
Sent: Monday, December 02, 2019 2:58 PM
To: Minor-Gordon, Jerry <Minor-Gordon.Jerry@epa.gov>
Cc: Olson, Margaret <Olson.Margaret@epa.gov>; Brian Harper <Brian.Harper@oregonmetro.gov>
Subject: ASAP printout for Oregon Metro grant application

Hello Jerry,

Could you please send a printout of the documentation of Oregon Metro's remaining grant funds on their FY16 grant as of November 1, 2019? Their recipient number is 4110414.

Thank you,
Carrie

Carrie Rackey, CHMM

Senior Associate, Environmental Services

Desk: (503) 220-5462

Cell: (971) 221-1092

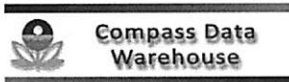
601 SW 2nd Avenue, 14th Floor

Portland, Oregon 97204



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1



Document Review

Compass Document: GO BF01J23701

12/02/2019 04:23:39
Welcome**Document Summary:** General Ledger Entries**Doc Type:** GO**Doc No:** BF01J23701**Vendor Code:** 930636311A V**IGMS Grant No:** 01J23701-1**IGMS Budget Start Date:** 09/01/2016**IGMS Budget End Date:** 09/30/2020**IGMS Project Start Date:** 09/01/2016**IGMS Project End Date:** 09/30/2020**Order Date:** 08/22/16**Closed Date:****Servicing Finance Office:** LVFC**Order Amount:** \$600,000.00**Net Paid Amount:** \$472,472.67**Closed Amount:** \$472,472.67**Available Amount:** \$127,527.33**Vendor:** METRO**Vendor Legal Name:** METRO**Alternate Vendor:****Description:****Extended Description:****Document Details:** [Expand](#)

Line#	Line Amt	Expended Amt	Closed Amt	Refunded Amt	Available Amt	BFY	Fund	Org	Program	Project	FOC	CostOrg	C
1	\$300,000.00	\$294,700.26	\$294,700.26	\$0.00	\$5,299.74	2016	E4	10N3AG7	301D79	G000NY00	4114		F
2	\$300,000.00	\$177,772.41	\$177,772.41	\$0.00	\$122,227.59	2016	E4	10N3AG7	301D79XBP	G000OR00	4114		F

Document Activity:

Date	Ref Amount	Related Document	Direction	Date	Ref Amount	Related Document	Date	Ref Amount	Related Document
11/15/2019	\$6,912.55	DT 20AS1201771	Forward						
08/22/2019	\$12,168.09	DT 19AS1187625	Forward						
07/11/2019	\$695.31	DT 19AS1180417	Forward						
06/11/2019	\$12,978.66	DT 19AS1175544	Forward						
05/09/2019	\$3,580.24	DT 19AS1170078	Forward						
04/17/2019	\$1,775.23	DT 19AS1166366	Forward						
04/10/2019	-\$19,707.38	DT 19AS1165203	Forward						
04/10/2019	\$19,707.38	DT 19AS1165204	Forward						
03/12/2019	\$6,691.96	DT 19AS1160497	Forward						
03/08/2019	-\$51,982.67	DT 19AS1160084	Forward						
03/06/2019	-\$19,707.38	DT 19AS1159406	Forward						
03/06/2019	\$19,707.38	DT 19AS1159407	Forward						
03/04/2019	\$51,982.67	DT 19AS1159104	Forward						
12/24/2018	\$86,218.20	DT 19AS1148231	Forward						
12/11/2018	\$3,640.38	DT 19AS1145407	Forward						
12/11/2018	\$37,399.10	DT 19AS1145408	Forward						
11/14/2018	\$19,377.62	DT 19AS1141009	Forward						
08/22/2018	\$31,499.48	DT 18AS1127269	Forward						
07/09/2018	\$5,675.52	DT 18AS1119981	Forward						
06/12/2018	\$21,753.84	DT 18AS1115618	Forward						
05/11/2018	\$50,296.28	DT 18AS1110493	Forward						
04/17/2018	\$23,944.26	DT 18AS1106051	Forward						
02/23/2018	\$37,337.64	DT 18AS1097318	Forward						
02/09/2018	\$11,616.82	DT 18AS1094871	Forward						
01/19/2018	\$3,453.30	DT 18AS1091116	Forward						

12/15/2017	\$81,670.63	DT 18AS1085509	Forward						
08/30/2017	\$4,663.83	GP 17AS1065860	Forward						
07/10/2017	\$545.19	GP 17AS1056121	Forward						
07/10/2017	\$3,148.49	GP 17AS1056122	Forward						
06/08/2017	\$2,691.37	GP 17AS1050672	Forward						
04/07/2017	\$2,738.68	GP 17AS1039444	Forward						
09/01/2016	\$300,000.00	RO 1610NEG047	Back						
09/01/2016	\$300,000.00	RO 1610NEG048	Back						

[Warehouse Homepage](#)

[EPA@Work Home](#) | [EPA Internet](#)

https://ocfosystem5.epa.cgipdc.net/ords/neis/grant_web.grant_result

This web page was last updated on 09/08/2019.

For issues, please contact: The OCFO Sytem Help Desk - ocfo-system-help@epa.gov or (202)564-6236 (OCFO)

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

12/03/2019

4. Applicant Identifier:

1711

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

Metro

* b. Employer/Taxpayer Identification Number (EIN/TIN):

93-0636311

* c. Organizational DUNS:

0308001300000

d. Address:

* Street1:

600 NE Grand Ave

Street2:

* City:

Portland

County/Parish:

* State:

OR: Oregon

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

97232-2736

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

* First Name:

Sherrie

Middle Name:

* Last Name:

Blackledge

Suffix:

Title: Senior Management Analyst

Organizational Affiliation:

* Telephone Number:

503-797-1724

Fax Number:

* Email:

sherrie.blackledge@oregonmetro.gov

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

E: Regional Organization

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

Environmental Protection Agency

11. Catalog of Federal Domestic Assistance Number:

66.818

CFDA Title:

Brownfields Assessment and Cleanup Cooperative Agreements

* 12. Funding Opportunity Number:

EPA-OLEM-OBLR-19-05

* Title:

FY20 GUIDELINES FOR BROWNFIELD ASSESSMENT GRANTS

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

FY20 Oregon Metro Coalition - EPA Brownfield Coalition Assessment Grant

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:*** a. Applicant * b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:* a. Start Date: * b. End Date: **18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="600,000.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="600,000.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title: * Telephone Number: Fax Number: * Email: * Signature of Authorized Representative: * Date Signed: